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ABSTRACT

Hearings on Mexican American education, held for 4 days in August of 1970 before the Senate Select Committee on Equal Educational Opportunity, are recorded in this publication. Witnesses before the committee included Mexican American educators from California and Texas. Presentations by these witnesses emphasized such areas as language and culture, educational levels, bilingual education, integration, Federal funding, segregation, student militancy, social activism, home environment, public and political attitudes, school policies, school faculties, community control and involvement, the GI Bill, and educational tracking. "Spanish-Speaking Pupils Classified as Educable Mentally Retarded," a report from the California State Department of Education, is included in the publication. (A related document is ED 045 795.) (JB)

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EQUAL EDUCATIONAL OPPORTUNITY

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HEARINGS

BEFORE THE

SELECT COMMITTEE ON EQUAL EDUCATIONAL OPPORTUNITY

OF THE

UNITED STATES SENATE

NINETY-FIRST CONGRESS

SECOND SESSION

ON

EQUAL EDUCATIONAL OPPORTUNITY

PART 4—MEXICAN AMERICAN EDUCATION

WASHINGTON, D.C., AUGUST 18, 19, 20, AND 21, 1970

U.S. DEPARTMENT OF HEALTH, EDUCATION & WELFARE
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EQUAL EDUCATIONAL OPPORTUNITY

TUESDAY, AUGUST 18, 1970

U.S. SENATE,
SELECT COMMITTEE ON
EQUAL EDUCATIONAL OPPORTUNITY,
Washington, D.C.

The select committee met at 10 a.m., pursuant to recess, in room 1318, New Senate Office Building, Senator Walter F. Mondale (chairman of the select committee) presiding.

Present: Senators Mondale and Javits.

Staff members present: William C. Smith, staff director and general counsel; Leonard P. Strickman, minority counsel: and Josué González, director of special studies.

Senator MONDALE. The committee will come to order.

This morning, we begin hearings into an area which I think has desperately needed serious attention by the Federal Government; namely, the situation of equal educational opportunity as it affects the second largest minority in the United States, the Mexican American community.

We have as our panel this morning Dr. David Sanchez, member of the Board of Education, San Francisco, Calif., Dr. Edward Moreno, professor of Mexican American studies at the San Fernando Valley State College, Northridge, Calif., and Dr. Jose A. Cardenas, superintendent, Edgewood Independent School District, San Antonio, Tex.

I understand Dr. Sanchez will lead off with the testimony. Proceed as you wish.

Would you pull the microphone closer to you, please?

STATEMENT OF DR. DAVID SANCHEZ, MEMBER, BOARD OF EDUCATION, SAN FRANCISCO, CALIF., ACCOMPANIED BY DR. JOSE A. CARDENAS, SUPERINTENDENT, EDGEWOOD INDEPENDENT SCHOOL DISTRICT, SAN ANTONIO, TEX., AND EDWARD MORENO, PROFESSOR OF MEXICAN AMERICAN STUDIES, SAN FERNANDO VALLEY STATE COLLEGE, NORTHRIDGE, CALIF.

Dr. SANCHEZ. I have a prepared statement that I would like to ask be recorded.

Senator MONDALE. It will be included in the record as though read. I would appreciate it, however, if you would go over it fairly fully, because while I am sure it is quite well known to you, it is not to us.

Dr. SANCHEZ. I will bear that in mind.

My colleagues this morning will be covering specific areas. I will perhaps be presenting the basic overview of the educational system as it applies to our Spanish-speaking people.

I am very pleased to appear before this committee today to discuss concepts regarding equal educational opportunity.

EQUAL EDUCATIONAL OPPORTUNITY AND SPANISH AMERICANS

The concept of equal opportunity has had traditional value in America. Actualizing the concept has not yet been accomplished. In the past, obstacles were formidable. The Spanish-speaking person, as well as all poor and minority persons, were denied equal opportunity. In order to change unfair practices, they must be attacked from many different sides—at the various levels of education and employment and by an attempt to begin a mutual learning process with the poor and minority communities themselves. I am encouraged by the interest this committee is generating by formulating long-range objectives toward improving the lot of the Spanish-speaking American.

I speak to you for three reasons: I believe that we all share, at least in principle, the belief that all citizens must be equally granted the opportunity to pursue their chosen destiny; I believe that in the past decade we have begun to focus on the lack of equal opportunity and to realize that a solution has become a national priority if our domestic crises and turmoil are to be resolved; and I believe that the problems of overcoming traditional lack of equal opportunity for our Spanish-speaking citizens cannot be solved within the framework of one discipline—neither solely law, nor education, nor economics.

LANGUAGE AND CULTURE

Some progress has been made, but changing the patterns of a nation cannot be successful until all its citizens realize its injustices, desire to change, and participate in the changing.

If a child of Spanish-speaking descent is to have equal educational opportunities, the traditional slant of Anglo-oriented public education must be righted at all levels, beginning with elementary schools. Public education has operated under the invalid premise that the Spanish-speaking child, primarily the Mexican American and Puerto Rican, is not capable of learning.

Senator MONDALE. That is a pretty rough charge.

Dr. SANCHEZ. To support the validity of this premise, educators point continually to the low reading-achievement level of Spanish-speaking children, and I will go into this.

Senator MONDALE. Yes.

MEXICAN AMERICANS: EDUCATIONAL LEVEL

Dr. SANCHEZ. The low educational attainments for the majority of Latin American students are 8.4 grades in California, 7.0 grades in Illinois. Educators also find small numbers of our children in "academic tracks": while only 1.5 percent of our students are enrolled in the nine campuses of the University of California system, Spanish-

speaking children constitute nearly 15 percent of the total student population at the secondary level.

We find an almost nonexistent professional core of Spanish-speaking professionals—potential agents of change, such as physicians, school superintendents, professors, deans of respected schools, college and company presidents, and high-ranking decisionmakers in key government positions. Vehicles in attempts to generate this kind of professional nucleus have primarily been public educational institutions.

MEXICAN AMERICAN EDUCATION: FEDERAL ASSISTANCE

One factor which provides partial explanation for the low percentage of Spanish-speaking professionals, is the low incidence of their being the recipient of Federal assistance to any substantial degree. Nor do Spanish-speaking people have the economic base to operate their own institutions of higher learning.

Senator MONDALE. When you say recipient of Federal assistance, are you talking about student assistance?

Dr. SANCHEZ. In reference to loans and grants, yes.

Senator MONDALE. Work study opportunities and the rest?

Dr. SANCHEZ. Yes. I will be going into that a little more as we proceed.

Senator MONDALE. All right.

MEXICAN AMERICAN STUDENTS

Dr. SANCHEZ. The Spanish-speaking child is found in large numbers in classes for the mentally retarded or the educationally handicapped. In 1968, studies such as the NEA's projected 50 percent of Spanish-speaking children would drop out of school by the age of 16. Today, the dropout rate is even more acute: 60 to 70 percent in high schools with large numbers of Spanish-speaking students.

Truancy and suspensions are such that some educators say that the Spanish-speaking child "cannot learn" for he has "no desire or motivation to learn."

While calling attention to our small numbers in higher education and in the professions, the educator points with accuracy to the concentration of Latin Americans in Federal and State prisons. What is less frequently pointed out is that our young men constituted 20 percent of Vietnam's casualties in 1969, from California alone. This is the typical pattern of the "underprivileged" class and its minority members: small numbers in higher education and the professions, great numbers in prisons and wars, in either of which they may land by coincidence, it does not much signify which. The Spanish-speaking American thus becomes a victim of that which he defends: a system that has deprived him of equal educational opportunity and access to a solid economic base.

LANGUAGE AND CULTURE: PUBLIC SCHOOL INSENSITIVITY

Senator MONDALE. What does MR. stand for—mental retardation?

Dr. SANCHEZ. Yes. We have fewer children in higher education, and basically the child is looked on as defective.

The injuries of the Latin American child have been inflicted by those who have claimed to teach and motivate him, and who have, in reality, alienated him, and destroyed his identity through the subtle rejection of his language (which nobody speaks), his culture (which nobody understands), and ultimately, him (whom nobody values).

TEACHING AND MEXICAN AMERICAN SEGREGATION

Senator MONDALE. Lets turn for a moment to the mental retardation situation. In Texas, they have State aid which pays for the special class, the dumb class, as it is thought of by the kids and their parents. Many parents believe their children are placed in these special classes not because they are dumb, but because they can't speak English the way the teacher wants them to speak it. The easy solution for the teacher is to dump a child with a language problem in a special class.

One father told me that his child tested at something like a 115 or 120 IQ, which would mean a bright child, and for some years she has been in the dumb class because of her language difficulty.

Is that a common occurrence?

Dr. SANCHEZ. Well, in California, as an example, in the case of *Mendez* v. *West Minister* in Orange County (this was an actual case tried in California in 1947), the children of Spanish-speaking parents were not allowed to participate in the same classes as other children.

In 1949, Carey McWilliams wrote his book, North From Mexico. He wrote of all of the problems we are again documenting here today. Yet in May of this year I received a memo from the Director of the Office for Civil Rights. Title VI compliance reviews "have revealed a number of common practices which have the effect of denying equality of educational opportunity to Spanish-surnamed pupils."

These practices, in theory, should have been eliminated with the passage of title VI of the Civil Rights Act of 1964. Awareness of the problems faced by our Spanish-speaking minority has been achieved only after a long and painful process, a process which cannot continue much longer without responsive action. People have had to wage a long hard struggle to gain freedoms which have already been provided to them by law.

"Equality of opportunity" is a nebulous phrase, usually defined in the negative. School boards and educational institutions are told what not to do regarding the Spanish-speaking child. If they are not being sued, they assume they are doing the right thing. A massive program of educating toward more positive goals than simply staying out of trouble is immediately in order: a nationwide effort at action rather than reaction.

For example:

School districts should not assign Spanish-speaking students to classes for the mentally retarded on the basis of English language skills

might be a wise addition to the guidelines regarding the use of valid Spanish language examination, bilingual education and possibilities for funding these new programs.

To our Spanish-speaking citizen, "equal opportunity" will not be more than a cliché if we do not provide the basis for change. The

report of the American Medical Colleges Task Force to the Inter-Association Committee on Expanding Educational Opportunities in Medicine for Blacks and Other Minority Students indicated the necessity for Spanish-speaking students to realize their potential and to be made aware that opportunities do exist.

TEACHERS AND SCHOOL ADMINISTRATION: MEXICAN AMERICAN

It is necessary to convince a population which has experienced traditional discrimination that change is occurring. To gain their trust, Spanish-speaking agents of learning should be immediately involved to serve as role models—realistic examples of existing opportunities would include Spanish-speaking educators and para-professionals from all levels of education, and professionals and semiprofessionals of all fields.

Employees of Spanish-speaking descent are needed in all areas because of language barriers. While many young Chicanos and Latinos do speak English, Spanish is spoken by their parents and in their neighborhood. If we are truly to accept the Spanish-speaking child, we must not initially discriminate against a segment of his family, which affects his motivation and identity.

LANGUAGE AND CULTURE: TESTING

One girl who tested at 64, when retested scored 124.

Senator MONDALE. In other words, this girl when administered an English test, scored 64, which would be subnormal, but when given a test in her own language, she ended up with 124?

Dr. SANCHEZ. Something like 124, or 122.

Senator MONDALE. In short, she is a very bright child, but her former score indicates the degree to which testing bias and language bias can affect the evaluation of a child's abilities, does it not?

Dr. SANCHEZ. Yes. This relates not only to the person who administers the test, but this also pertains specifically, to the test and to the student. Hopefully funds will be allocated to develop new instruments of learning to test our urban children who are Spanish-speaking.

Instead of taking the test and translating it into Spanish, which doesn't help that much, we are talking about cross-cultural patterns. This has been one of our major concerns.

Senator MONDALE. You think most Mexican children are tested in this earlier, less satisfactory way, that is, the English Stanford-Binet, with nonculturally sensitive personnel?

Mr. SANCHEZ. I really don't know from that viewpoint. I would say in reference to California there has been significant concern among our Mexican American Spanish-speaking educators, so that this year we have declared a moratorium on that testing through the State board of education, until new instruments of measurement are designed, hopefully by Spanish-speaking psychologists and psychometrists who measure the children in culturally familiar areas.

Senator MONDALE. Is that a state responsibility in California?

Dr. SANCHEZ. We made it a state responsibility. Yet many of the funds are allocated from the Federal Government to the State in reference to some of these classes.

Senator MONDALE. Any of you may repond to these questions.

TRACKING AND TESTING: FINANCIAL INCENTIVES

Mr. MORENO. I would like to respond. There is another facet. In California, there are extra funds above the normal amount of money allocated for children, for the EMR children, so you get your normal stipend, and you get X number of dollars more, so it is very convenient to corral blacks, whites and Mexicans and put them in EMR classes. You don't have to tell anybody what the kids are doing. You can jazz it up, and make it look like a pilot program.

Senator MONDALE. So there is an incentive to find a child dumb. Isn't this true in Texas, too?

Dr. CARDENAS. Yes. The Stanford Binet or the Wexler test, which is even worse, because it is more verbal, and in my opinion, more invalid, are what are used.

The recent attempts to measure in Spanish leave a lot to be desired. I think that when you administer a test which is verbal in the English language you are not acknowledging the existence of, let's say, the Spanish language domain.

When you reverse this and administer a test in Spanish, you are not allowing for any development or experience that has been acquired and is being sampled by an intelligence test in the English language.

Therefore, I think the test that has to be administered is going to have to be a lot more sophisticated than just a translation and restandardization of the test.

Senator MONDALE. Would a local school district in Texas be rewarded financially from the State by finding a higher ratio of mentally retarded children? I don't mean they do it deliberately, but would the result be that the more mentally retarded they find, the more State aid they get?

TRACKING AND CHICANO SELF-IMAGE

Dr. CARDENAS. To a certain extent, yes. One of the problems is, that once a child has been placed in one of these classes, the level of expectancy is so low that I have a feeling that if they stay there a couple of years they are bound to get mentally retarded.

Senator MONDALE. So, it is sort of a self-fulfilling prophesy.

Proceed.

TEACHERS AND SCHOOL ADMINISTRATION

Dr. SANCHEZ. To gain the trust of the Latin American student, Spanish-speaking parents must be involved in the schools at all levels. This is the concept of differential staffing—which proposes the use of Spanish-speaking paraprofessionals, and parents to form supportive services for both teachers and administrators, and the creation of an effective communications system for those children who speak Spanish.

COMMUNITY CONTROL AND INVOLVEMENT

For instance, in San Francisco, we have close to 65 percent Spanish-speaking children in Buena Vista Elementary School. Parents have become an integral part of the school's total educational process. They offer role models for the children, participate in the system of bilingual communication operating in the school and play an active role in the school's decisionmaking. Parent participation in school policy and decisionmaking would be an essential goal in future bicultural school models.

BILINGUAL EDUCATION

Preliminary test results show that significant gains have been made in reading and writing for our bilingual children in San Francisco public schools. Differential staffing is expanding in San Francisco, but it requires retraining of the teacher and administrator to allow them to function flexibly in the new staffing system, which incorporates the talents of the parents and community into the school.

Because the Spanish-speaking student can come from any of a multiplicity of Spanish-speaking cultures, the more flexibility and alternative programs offered to students training in bilingual education, the more successful and far-reaching the programs will be.

I would like to take a minute to discuss programs in San Francisco.

TEACHERS AND SCHOOL ADMINISTRATION: FEDERAL AND STATE ROLES

There is a need for funding of potential administrators of Spanish-speaking descent to become school site administrators. Some formal program would have to be worked out with an institution of higher learning. As an example, in San Francisco, we have various programs at the University of San Francisco, and also at the University of California at Berkeley, and at Stanford University, programs which offer administrative interns as teachers for our elementary and secondary schools.

Unfortunately, because of our budget cuts, and those of the State and Federal Governments, we have had to terminate all minority administrative interns for this academic year. We feel there is a critical need to provide Spanish-speaking administrators, particularly males, in the elementary division. Unless funds are allocated through the Office of Education for this, we feel there will be no significant gains in the area of teaching Spanish-speaking children.

It should also be noted that all three institutions: UC, USF and Stanford—recipients of Federal funds for training grants—have yet to hire a Spanish-speaking faculty member in their respective departments of educational administration.

Another criticism I have in reference is the fact that in none of the three institutions' schools of education, neither that of the University of San Francisco, the University of California or Stanford University, do we have one Spanish-speaking faculty member.

Senator MONDALE. How could that be possible when one considers the extremely large Mexican American population in California? It is almost impossible to believe that you don't have a single Chicano member on any of those faculties?

Dr. SANCHEZ. In Berkeley in the school of education, there are none. In the Stanford School of Education, there are none. At the University of San Francisco, there are none.

Senator MONDALE. How is it justified?

Dr. SANCHEZ. In some institutions, for example, like UC at Riverside, there have been movements to get competent Chicanos, and they have been doing it. In northern California, the trend has been slower, because we are not viewed as being a major force.

But this in itself, Senator, is a concern, because when our kids see this, our kids say, you know, "My God, we can't succeed, there is nobody there."

Latin Americans should be included in staffs of schools purporting to offer solutions to the problems of the Spanish-speaking child. The Office of Education continually funds programs in schools with no Spanish-speaking faculty members. Chicano faculty members in California colleges have been acutely aware of this and have warned the Office of Education again and again that it should take a close look at the affirmative action of the institutions they are funding—not only should the colleges be developing research, they should be creating programs to train our administrators, teachers, and paraprofessionals, and using Latin American talent in the training process.

Unless a significant Spanish-speaking representation appears on faculties of schools receiving funds, moneys should not be going to these colleges, universities or medical schools until they comply.

Senator MONDALE. Which office would you identify in the Office of Education as being the least sensitive?

Dr. SANCHEZ. I would say in passing, and I don't have the figures, I would just say that perhaps your committee could request the staffing patterns of the U.S. Office of Education in the various regions, both in monitoring and assessment as far as they affect us, and I think you might be surprised.

Senator MONDALE. We will write them a letter and ask them for an answer to that.

Dr. SANCHEZ. Recently, attention has turned toward student and faculty racial imbalance in elementary and secondary schools. Public institutions of higher learning are guilty of this as well. To deny employment or admission in schools of higher education is to deny equal opportunity; this practice will trap the Spanish-speaking minority into jobs requiring only a high school education.

In attempting to reach a solution to the problem, the University of California at San Francisco began a minority recruitment program. This occurred after an investigation of the ethnic representation of our health professional schools revealed an obvious minority underrepresentation.

Spanish-surnamed faculty and students totaled only one percent while the Spanish-surnamed minority comprises nine percent of San Francisco's population. After the first organized recruitment effort in 1966, only five Chicanos applied. Since that time Spanish-speaking students, M.D.'s, Ph. D's and employees at all levels have been hired and admitted.

In 1969, the freshman class included nine Chicano medical students and 10 Chicano dentistry students. For the fall of 1970, the first year class will include 15 freshman medical students and 10 freshman dentistry students. There was a fivefold increase in qualified minority student applicants once opportunities were communicated and documented.

Senator MONDALE. How about law school?

Dr. SANCHEZ. That is a different area, which I don't have access to, but if I may reinforce one thing, there are direct variables between learning, nutrition, mental attitudes and so forth. We need more Chicanos and Latinos in the field.

LANGUAGE AND CULTURE

The minority culture must be included and represented in all majority institutions. Language and curriculum must be modified to include all communities if equal opportunity is to exist. Involved is a mutual learning process: both sides must act, react, and interact if change is to occur.

SENSITIVE AND HUMANE SCHOOLS: HEALTH CARE

This year an experimental elective was included in the curriculum at the San Francisco campus of UC, to answer the need in elementary schools for health aid and health practice, which have been often nonexistent in the schools. Two of the major problem areas of our students are the dental and nutritional areas. Two Latin organizations in San Francisco, Los Siete and Centro Latino are providing San Francisco children with free breakfasts. Many schools are offering free lunch programs to disadvantaged children. Proper food has a direct bearing on what a child can accomplish in a learning situation, concentration and on the energy he has available. Health, nutrition and mental hygiene are accepted as direct variables in learning for all children, but for the Spanish-speaking child, these factors have often been overlooked as possible explanations for poor academic performance.

To provide health aid in the elementary schools, the University of California Division of Ambulatory and Community Medicine in San Francisco has been assigning medical students and students of the other health professions to deal with these health and nutrition problem in schools with large numbers of Spanish-speaking children.

Through this exchange arises a multitude of benefits: medical personnel have provided the children and parents with nutritional information and informed them of available community health services, including the newly extended pediatric clinic hours which allow parents to take their children for medical care to the clinic on Saturdays; medical students have become aware as future physicians of the problems and characteristics of children of Spanish-speaking subcultures, whom they have seen trying to function in other nonbilingual institutions, such as the schools and they have themselves dealt with the same kinds of problems in their roles as monolingual health professionals in a bilingual community.

The elementary teachers have seen new facets of the Spanish-speaking child by watching him interact with assigned health workers, and in seeing the difference in the child's performance as his health and diet improve. The children themselves have benefited from their exposure to the wide range of options and careers in the health professions.

MEXICAN AMERICANS: POPULATION AND INTEGRATION

Senator MONDALE. What do you estimate the ratio of Mexican Americans to be to the total population?

Dr. SANCHEZ. There are close to 11 million Spanish-speaking in this country, and we have one-quarter of one percent in the schools of medicine.

We have developed some programs such as the University of California Medical School in San Francisco where we have used minority students and faculty to screen, recruit, and admit applicants to the school of medicine. The most frustrating thing is not getting our kids in, because our kids are qualified, but convincing some of our colleagues that our kids have the ability to learn.

If you are black or brown, and primarily brown in the Southwest, people react and say that we don't have the capability of learning, and this is one of the hardest attitudes we have had to change in medical education in the past year. But we have changed this idea so much so that Mexican Americans will increase threefold in the medical schools in the coming year.

Senator MONDALE. I visited the town of Uvalde: the home of Cactus Jack, and no one could remember a Mexican American child becoming a doctor or a dentist. They think there might have been a lawyer, but nobody remembers his name. Finally one Mexican American became an officer in the Army. They said nine Chicano kids have been killed in Vietnam, and yet they didn't know of a single Anglo who has died in the war from this little town.

I don't know if that is an accurate picture or not, but I think the important thing is that the Mexican American community feels that there is just no hope in trying to bust out of the old farm laborer, menial worker syndrome, and they don't think the schools, in this case in Uvalde, are going to help, to the extent that they are now boycotting the schools.

EQUAL EDUCATIONAL OPPORTUNITY: HEALTH FACTOR

Dr. SANCHEZ. Continuing on with reference to the health field, we have also in our medical school a Division of Community Medicine, with a significant number of Spanish-speaking professionals and faculty, and we have become involved in public schools, using some of our medical students to work in these schools, both for delivery of health care and to develop occupational goals and skills for the children.

This has become a significant experience for the child and the community, and also is far-reaching experience for the University of California Medical School. This, I feel, must be extended if we are to meet the total needs of the child.

His health, again, is an important variable in reference to the total educational process.

SENSITIVE AND HUMANE SCHOOLS: GUIDANCE AND COUNSELING

Maximal benefit and economy derives from using to advantage the talent and strong points indigenous to the geographic area being improved. I propose that $80 million be allocated to local school districts and institutions to begin to develop interfaced programs of guidance and counseling within these districts' public elementary and secondary schools. This would extend from the kindergarten to junior college level. I would emphasize this as a priority for action without waiting for another decade—when the toll will be far higher.

Counseling should be primarily focused at the elementary level. Spanish-speaking counselors and counselors-aides, using parents from the community, could form a team, based not on a weekday 9 to 3 p.m. schedule, but perhaps a 3 p.m. to 9 schedule, or one with Saturday or Sunday hours to provide continuing encouragement and advice to working parents and students within the school's community.

To date, stress has been placed on offering a more flexible program for students and perhaps letting teachers counsel one or two school periods. There have been no major grants in counseling. The counseling concept should be totally revised to work as a continuation of the normal 9 to 3 p.m. pattern.

SENSITIVE AND HUMANE SCHOOLS: SUPPORTIVE SERVICES

Supportive services for public education such as school testing, psychological, motivational and sociological diagnostic clinics have been a major factor in alienating Spanish-speaking children. The tests have been developed by English-speaking, Anglo-oriented psychometrists and psychologists, and have been the vehicle for destroying the self-esteem of a generation of Spanish-speaking children, many of whom have been mistakenly placed in classes for the mentally retarded because their native language was Spanish.

TESTING

I feel special funds should be allocated to allow Latin Americans now in higher education to have an opportunity to enter the world of psychometry, and participate in the development of new tests for children whose language is Spanish, and to measure the conceptual and learning abilities of the bilingual child.

Funds have not been appropriated for this purpose, though in some States such as California, we have put a moratorium on psychological testing, until, hopefully, some new instruments have been developed for testing.

We could definitely use the fiscal assistance of the Office of Education. One very constructive example has been the EPDA Institute, which has trained psychometrists. We did have an EPDA-funded institute at California State College at Hayward whereby many of the minority students exceeded the number of slots, so that as a result a great many of our kids were deprived because of a lack of

funds, both Federal and State, for this particular program. Unfortunately, many students qualified to enter the program were not admitted because of lack of funds from EPDA and other sources. The shortage of moneys would have prevented them from finishing their degrees within the 3-year period.

MEXICAN AMERICAN TEACHER TRAINING: FEDERAL AND STATE ROLES

The first Chicano students who applied and were accepted into professional health science training were amazed at the opportunities. A recent publication of the American Association of Medical College indicates that in 1969–70 92 Mexican American students enrolled in medical schools out of 37,756 students. This in less than one quarter of 1 percent of our Nation's medical students. Is this equal education?

In order to communicate new opportunities at the University of California's San Francisco campus, an intense program of counseling is included as part of the recruitment effort. Tours are conducted for elementary and secondary school students from all over the Bay Area. Students visit the medical school facilities and are given information about the professional schools of medicine, nursing dentistry and pharmacy. Followup discussions with individual schools or clubs are available on request.

Recently a grant was given to the University to write, produce and direct a color and sound film depicting minority students and staff working and studying at our medical center. The film will be shown at schools and colleges throughout California, and will be accompanied by brochures in both Spanish and English.

At UC in San Francisco employment and professional school recruiters work closely with the Spanish-surnamed community and Chicano students presently enrolled help and communicate with other Spanish-speaking students who are qualifying themselves for entrance. Once Spanish-speaking students enter the University, they are supported by continuous academic and psychological counseling on request.

Chicano students serve on the minority admissions committee with Chicano faculty and black representatives from the University's black community. Hence, the Chicano in the School of Medicine at UC's San Francisco campus participates in the actual recruitment, screening and retention of his colleagues.

MEXICAN AMERICANS: POVERTY AND EDUCATION

After counseling, the second area of priority is financial aid. The Carnegie Commission on Higher Education report, "A Chance to Learn," captures the problem in statistics:

> A family with an income over $15,000 and with one or more college-age children is five times as likely to include a full-time college student as a similar family with an income under $3,000.

Fifty percent of the Spanish-speaking minority never go past the eighth grade. Texas describes 40 percent of its Spanish-speaking citizens as "functional illiterates."

MEXICAN AMERICAN STUDENT: FINANCIAL ASSISTANCE

Among the Spanish-speaking in the United States there is the tradition of poverty. It is impossible to counteract this tradition without financial assistance at all levels of education and to make available the existence of scholarships, fellowships and loans. Equal opportunity is meaningless to an adolescent who once he is qualified, still can never advance in a higher educational system which demands money he simply does not have.

Toward developing a program of financial aid for qualified Spanish-speaking students, I propose a $1 billion initial effort toward providing grants, scholarships, work study, Ph. D. and professional training grants for postgraduate education. Student loans are needed throughout the country, but especially in the Southwest States.

I would also like to recommend that a portion of this financial fund be placed in specific career areas to provide financial aid for the beginning college student through his graduate education. This does not exist in any form right now.

For example, California State colleges with large numbers of Spanish-speaking students might be given premedical scholarships for the Spanish-speaking students, and California universities would be given medical scholarships for their Latin American students. So there is some sort of continuity between secondary, college, and post-graduate training.

These two programs of counseling and financial aid seem to me to be addressed to the core of the meaning of "equal opportunity" program development. Combined with these programs, planned affirmative action to insure that school and universities, both as educational institutions and as employers comply with title VI of the Civil Rights Act of 1964, especially the universities and institutions of higher learning.

Supportive services to students in higher education and increased enrollments in colleges to accommodate qualified minority students are inevitable needs and plans to meet them should be formulated now. The present practice of many schools which have "minority slots" pits blacks against browns without allowing them to compete with the majority of caucasian students. If there is an excess of both qualified minority and majority students, colleges and universities must enlarge with the demand.

I feel strongly that the validity of the work of this Senate Committee on Equal Education would be most evident if the following philosophy were to be adopted for the public education system:

EQUAL EDUCATIONAL OPPORTUNITY

Education can truly be a bridge to equal opportunity and the rights granted the Spanish-speaking American in the U.S. Constitution, but only if our educational institutions from the preschool level through professional education open their doors wider than has been their practice, and broaden their ranks to include the multiplicity of Spanish-speaking groups. This means there is an urgent need for

cultural pluralistic education and for the acceptance of the differences as well as for awareness of the similarities of peoples and cultures.

Thank you, Senator.

Senator MONDALE. Dr. Sanchez, you are a member of the Board of Education of the San Francisco Public School System.

Dr. SANCHEZ. Yes, I am.

Senator MONDALE. And you carry a doctor's degree in what field?

Dr. SANCHEZ. In educational psychology, from Berkeley.

Senator MONDALE. Where do you work now?

Dr. SANCHEZ. I am assistant professor of Community Medicine at the University of California, at San Francisco.

Senator MONDALE. How long have you been in the school system?

Dr. SANCHEZ. For the school board, 2 years in September. I was the first Mexican American in that position. Before that I taught school for 3 years and served as a community relations counselor.

Senator MONDALE. What is the size of the student body in the San Francisco public school system and how many of them are Mexican Americans?

Dr. SANCHEZ. We have close to 130,000 students. Of that, close to 18 percent of these students are Latin Americans. I would say that out of all groups, 18 percent are Spanish-speaking.

Senator MONDALE. What percentage of them are Mexican Americans and how many are other?

Dr. SANCHEZ. I would say we have close to 100,000 Spanish-speaking people in the city. There are people from Peru, Nicaragua, and so on.

Actually, San Francisco is one of the few cities in this Nation where the Central American and South American really constitute a majority of the Spanish-speaking people.

Senator MONDALE. It is interesting. That is not true in Los Angeles, is it?

Dr. SANCHEZ. No, sir.

Senator MONDALE. That is interesting. I didn't know that.

Do you find that the same concepts that you are talking about here apply equally to other Latin American Spanish-speaking citizens?

Dr. SANCHEZ. I would say we accept the fact that there is a difference among cultures, even among Spanish-speaking cultures, but that the problems are very similar in the system of education that has been in existence for many years in this country.

Senator MONDALE. Do you have elementary or junior high schools or high schools that are predominantly Spanish-speaking?

Dr. SANCHEZ. We have a great many of our schools that are predominantly Spanish-speaking.

Senator MONDALE. Are there any that are all Spanish-speaking?

Dr. SANCHEZ. None that are all Spanish-speaking, but from 60 to 68 percent in some.

Senator MONDALE. Do you have schools in which the Spanish-speaking populations are in the minority?

Dr. SANCHEZ. We have some schools for the Spanish-speaking population, where they would be in the minority.

Senator MONDALE. Do you have schools in which the majority of the people are advantaged, that is, come from middle-class incomes?

COMPLIANCE: SAN FRANCISCO

Dr. SANCHEZ. Yes, we do. As a matter of fact, our board now, I guess just before I left, was under the Civil Rights Compliance to come up with a plan toward "total integration" within 1 year.

Senator MONDALE. Is that under title VI?

Dr. SANCHEZ. Yes. It should have come about 90 years ago.

Senator MONDALE. So you are under a title VI proceeding right now. Have you come up with a plan yet?

Dr. SANCHEZ. We have been working on a plan.

Again, we are talking about differences of culture. San Francisco is basically a city of immigrants, Chinese, Philippino, Latin American, Maltese, Samoan, Black, and so forth. We have been trying to formulate a plan whereby we could incorporate at various levels our differential subcultures within the city of San Francisco.

So, we have not come up with a qualitative plan that would be meaningful to all children.

EFFECTS OF INTEGRATION: MEXICAN AMERICANS

Senator MONDALE. How important in your opinion is quality education, and integration, to equal educational opportunity for the Mexican child?

Dr. SANCHEZ. I think integration is a variable, provided the other ingredients are available. There are a host of things which my colleagues will be discussing.

Senator MONDALE. Assuming an adequate response to the language and cultural differences and the identity problem, in your opinion, would the Mexican American child achieve better in a school which is integrated than in one which is of ethnic isolation?

Dr. SANCHEZ. I would say, assuming all variables were placed in this, I would anticipate the child would. To be honest with you, I know of no such school.

Senator MONDALE. Yes.

Dr. SANCHEZ. For any child.

SENSITIVE AND HUMANE SCHOOLS: LANGUAGE AND CULTURE

Senator MONDALE. I gather your answer implies a fear that integration as it is normally practiced may mean an aggravation of the problems faced by Chicano students with the insults and the failure to be culturally or language sensitive which so usually accompany integration.

Dr. SANCHEZ. I would agree with that statement.

Senator MONDALE. While the objective of equal education in your opinion is to be better served through quality integration, that question is based on the requirement that the school system be culturally and language sensitive.

Dr. SANCHEZ. Culturally pluralistic, yes, sir.

Senator MONDALE. If your school board could provide the percentages of different minorities for the record, we would appreciate it. Maybe your staff can give us that. It is interesting that you have a large population of Oriental Americans.

Dr. SANCHEZ. And Philippino, also, and Hawaiian groups.

Senator MONDALE. I would like to see that information.

(The statement of David J. Sanchez, Jr., follows:)

PREPARED STATEMENT OF DAVID J. SANCHEZ, JR., PH. D., ASSISTANT PROFESSOR OF AMBULATORY AND COMMUNITY MEDICINE, UNIVERSITY OF CALIFORNIA, COMMISSIONER, SAN FRANCISCO BOARD OF EDUCATION

I am very pleased to appear before the Senate Select Committee on Equal Educational Opportunity to discuss the need for programs to qualify and provide educational opportunity of poor and minority segments of our population. The concept of equal opportunity has had traditional value in America. Actualizing the concept has not yet been accomplished. In the past, obstacles were formidable. The Spanish-speaking person, as well as all poor and minority persons, were denied equal opportunity. In order to change unfair practices, they must be attacked from many different levels—at the various levels of education, employment, and by an attempt to begin a mutual learning process with the poor and minority communities themselves. I am encouraged by the interest this committee is generating toward formulating long-range objectives toward improving the lot of the Spanish-speaking American.

I speak to you for three reasons: I believe that we all share, at least in principle, the belief that all citizens must be equally granted the opportunity to pursue their chosen destiny; I believe that in the past decade we have begun to focus on the lack of equal opportunity and to realize that a solution has become a national priority if our domestic crises and turmoil are to be resolved; and I believe that the problems of overcoming traditional lack of equal opportunity for our Spanish-speaking citizens cannot be solved within the framework of one discipline—neither solely law, nor education, nor economics. Some progress has been made, but changing the patterns of a nation cannot be successful until all its citizens realize its injustices, desire to change, and participate in the changing.

If a child of Spanish-speaking descent is to have equal educational opportunities, the traditional pattern of Anglo-oriented public education must be restructured at all levels, beginning with elementary schools. Public education has operated under the invalid premise that the Spanish-speaking child, primarily the Mexican-American and Puerto Rican, is not capable of learning.

To support the "validity" of this premise, educators point continually to the low reading achievement levels of Spanish-speaking children, and the low educational attainments for the majority of Latin-American students: 8.4 grades in California, 7.0 grades in Illinois. Educators also find small numbers of our children in "academic tracks": while only 1.5% of our students are enrolled in the nine campuses of the University of California system, Spanish-speaking children constitute nearly 15% of the total student population at the secondary level.

We find an almost non-existent professional core of Spanish-speaking potential agents of change, such as physicians, school superintendents, professors, deans of respected schools, college and company presidents, and high-ranking decision makers in key government positions. Vehicles in attempts to generate this kind of professional nucleus have primarily been public educational institutions. One factor which provides partial explanation for the low percentage of Spanish-speaking professionals, is the low incidence of his being the recipient of federal assistance to any substantial degree. Nor do Spanish-speaking people have the economic base to operate their own institutions of higher learning.

The Spanish-speaking child is found in large numbers in classes for the mentally retarded or the educationally handicapped. In 1968, studies such as the NEA's projected 50% of Spanish-speaking children would drop out of school by the age of 16. Today, the dropout rate is even more acute: 60 to

70% in key high schools with large numbers of Spanish-speaking students. Truancy and suspensions are such that some educators say that the Spanish-speaking child "cannot learn" for he has "no desire or motivation to learn." While calling attention to our small numbers in higher education and in the professions, the educator points with accuracy to the concentration of Latin-Americans in federal and state prisons. What is less frequently pointed out is that our young men constituted 20% of Vietnam's casualties in 1969, from California alone. This is the typical pattern of the "underprivileged" class and its minority members: small numbers in higher education and professions, great numbers in prisons and wars, in either of which they may land by coincidence, it does not much signify which. The Spanish-speaking American thus becomes a victim of that which he defends: a system that has deprived him of equal educational opportunity and access to a solid economic base.

In essence, the history of public education indicates an attitude toward the 11 million Spanish-speaking people in the United States which is based on the premise that Latin-American children are defective in learning abilities—rather than an attitude which questions and monitors public education to determine the reasons for its failure to assess and accept the Spanish-speaking child as unique and human. "Equal education" has been a fraud: how can there exist equal education if some of the students are looked on as defective? The injuries of the Latin-American child have been inflicted by those who have claimed to teach and motivate him, and who have, in reality, alienated him, and destroyed his identity through the subtle rejection of his language (which nobody speaks), his culture (which nobody understands), and ultimately, him (whom nobody values).

In 1949, Carey McWilliams wrote his book, *North From Mexico.* He wrote of all of the problems we are again documenting here today. In May of this year I received a memo from the Director of the Office for Civil Rights Title VI compliance reviews "have revealed a number of common practices which have the effect of denying equality of educational opportunity to Spanish-surnamed pupils." These practices, in theory, should have been eliminated with the passage of Title VI of the Civil Rights Act of 1964. Awareness of the problems faced by our Spanish-speaking minority has been achieved only after a long and painful process of repetition, a process which cannot continue much longer without responsive action. In some cases, people have had to wage a long hard struggle to gain freedom which have already been provided to them by law.

"Equality of opportunity" is a nebulous phrase, usually defined in the negative. School boards and educational institutions are told what not to do regarding the Spanish-speaking. If they are not being sued, they are doing the right thing. A massive program of educating toward more positive goals than simply staying out of trouble is immediately in order: a nation-wide effort at action rather than reaction. For example, "school districts should not assign Spanish-speaking students to classes for the mentally retarded on the basis of English language skills" might be a wise addition to the guidelines regarding the use of valid Spanish language examinations, bi-lingual education and possibilities for funding these new programs.

To our Spanish-speaking citizen, "equal opportunity" will not be more than a cliche if we do not provide the basis for change. The Report of the American Medical Colleges Task Force to the Inter-Association Committee on Expanding Educational Opportunities in Medicine for Blacks and Other Minority Students indicated the necessity for Spanish-speaking students to realize their potential and to be made aware that opportunities do exist. It is necessary to convince a population which has experienced traditional discrimination that change is occurring. To gain their trust, Spanish-speaking agents of learning should be immediately involved to serve as role models—realistic examples of existing opportunities would include Spanish-speaking educators and paraprofessionals from all levels of education, and professionals and semi-professionals of all fields. Employees of Spanish-speaking descent are needed in all areas because of language barriers. While many young Chicanos and Latinos do speak English, Spanish is spoken by their parents and in their neighborhood. If we are truly to accept the Spanish-speaking child, we must not initially discriminate against a segment of his family, which affects his motivation and identity.

To gain the trust of the Latin-American student, Spanish-speaking parents must be involved in the schools at all levels. This is the concept of differential staffing—which proposes the use of Spanish-speaking paraprofessionals, such as health aids, supportive services for both teachers and administrators, and the creation of an effective communications system for those children who speak Spanish. For instance, in San Francisco, we have close to 65% Spanish-speaking children in Buena Vista Elementary School. Parents have become an integral part of the school's total educational process. They offer role models for the children, participate in the system of bi-lingual communication operating in the school and play an active role in the school's decision-making. Parent participation in school policy and decision-making would be an essential goal in future bi-cultural school models.

Preliminary test results show that significant gains have been made in reading and writing for our bi-lingual children in San Francisco public schools. Differential staffing is expanding in San Francisco, but it requires retraining of the teacher and administrator to allow them to function flexibly in the new staffing system, which incorporates the talents of the parents and community into the school. Because the Spanish-speaking student can come from any of a multiplicity of Spanish-speaking culture, the more flexibilily and alternative programs offered to students training in bi-lingual education, the more successful the programs will be.

Two years ago we developed at the University of California at Berkeley, a program in teacher education called the Latino Project. Through this program, many professionals of Latin American descent, who have migrated to San Francisco, were allowed to participate in an extension teacher training program of UC's educational program at Berkeley. The program was funded through EPDA, and through it, we have been able to place 26 Spanish-speaking teachers within our district during the past year. This year the program is training 25 or 26 more Spanish-speaking teachers for both our elementary and secondary schools. The conceptualization, design and implementation of this project is due largely to Latin staffing at all levels.

In the Southwest, an alternate program to the Cuban Refugee Act should be implemented to better meet the needs of our continuing immigrant population from Mexico and South America.

There is a need for funding of potential administrators of Spanish-speaking descent. to become school site administrators. This would mean some formal program would have to be worked out with an institution of higher learning. As an example, in San Francisco, we have various programs at the University of San Francisco, and also at the University of California at Berkeley, and at Stanford University, programs which offer administrative interns as teachers for our elementary and secondary schools. Unfortunately, because of our budget cuts, and cuts by the State and federal governments, we have had to terminate all minority administrative interns for this academic year. We feel there is a critical need to provide Spanish-speaking administrators, particularly males, in the elementary division. Unless funds are allocated through the Office of Education for this, we feel there will be no significant gains in the area of teaching Spanish-speaking children. It should also be noted that all three institutions: UC, USF, and Stanford—recipients of federal funds for training grants—have yet to hire a Spanish-speaking faculty member in their respective departments of educational administration.

Latin-Americans should be included in staffs of schools purporting to offer solutions to the problems of the Spanish-speaking child. The Office of Education continually funds programs in schools with no Spanish-speaking faculty members. Chicano faculty members in California colleges have been acutely aware of this and have warned the Office of Education again and again that it should take a close look at the affirmative action of the institutions they are funding—not only should the colleges be developing research, but they should be creating programs to train our administrators, teachers, and paraprofessionals—and *using* Latin-American talent in the training process! Unless a significant Spanish-speaking representation appears on faculties of schools receiving funds, moneys should not be going to these colleges, universities or medical schools until they comply.

Recently, attention has turned toward student and faculty racial imbalance of elementary and secondary schools. Public institutions of higher learning

are guilty of this as well. To deny employment or admission in schools of higher education is to deny equal opportunity; this practice will track the Spanish-speaking minority into jobs requiring only a high school education. In attempting to reach a solution to the problem, the University of California at San Francisco began a minority recruitment program. This occurred after an investigation of the ethnic representation of our health professional schools revealed an obvious minority underrepresentation. Spanish-speaking faculty and students totaled only 1% while the Spanish-surnamed minority comprises 9% of San Francisco's population. After the first organized recruitment effort in 1966, only five Chicanos applied. Since that time Spanish-speaking students, M.D.'s, Ph.D.'s and employees at all levels have been hired and admitted. In 1969, the freshman class included nine Chicano medical students and ten Chicano dentistry students. For the fall of 1970, the first year class will include fifteen freshman medical students and ten freshman dentistry students. There was a five-fold increase in qualified minority student applicants once opportunities were communicated and documented at all levels.

The minority culture must be included and represented in all maj. ty institutions. Language and curriculum must be modified to include all communities if equal opportunity is to exist. Involved is a mutual learning process: both sides must act, react, and interact if change is to occur.

This year an experimental elective was included in the curriculum at the San Francisco campus of UC, to answer the need in elementary schools for health aid and health practice, which have been often nonexistent in the schools. Two of the major problem areas of our students are the dental and nutritional areas. Two Latin organizations in San Francisco, Los Siete and Centro Latino are providing San Francisco children with free breakfasts. Many schools are offering free lunch programs to disadvantaged children. Proper food has a direct bearing on what a child can accomplish in a learning situation, concentration and on the energy he has available. Health, nutrition and mental hygiene are accepted as direct variables in learning for all children, but for the Spanish-speaking child, these factors have often been overlooked as possible explanations for poor academic performance.

To provide health aid in the elementary schools, the Division of Ambulatory and Community Medicine has been assigning medical students and students of the other health professions to deal with these health and nutrition problems in schools with large numbers of Spanish-speaking children. Through this exchange arises a multitude of benefits: medical personnel have provided the children and parents with nutritional information and informed them of available community health services, including the newly extended pediatric clinic hours which allow parents to take their children for medical care to the clinic on Saturdays; assigned medical students have become aware as future physicians of the problems and characteristics of children of Spanish-speaking subcultures, whom they have seen trying to function in other non-bi-lingual institutions, such as the schools, and they have themselves dealt with the same kinds of problems in their roles as *mono*lingual health professionals in a *bi*-lingual community! The elementary teachers have learned much more from the Spanish-speaking child by watching him interact with assigned health workers, and in seeing the difference in the child's performance as he is changed to a newly created learning atmosphere. The children themselves have benefited from their exposure to the wide range of options and careers in the area of the health professions.

Maximal benefit and economy derives from using to advantage the talent and strong points indigenous to the individual area being improved. I propose that $80 million to be allocated to local school districts and institutions to begin to develop interfaced programs of guidance and counseling within these districts' public elementary and secondary schools. This would extend from the kindergarten to junior college level. I would emphasize this as a priority for action without waiting for another decade—when the toll will be far higher.

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the school's community. To date, stress has been placed on offering a more flexible program for students and perhaps letting teachers counsel one or two school periods. There have been no major grants in counseling. The counseling concept should be totally revised to work as a continuation of the normal 9 to 3 p.m. pattern.

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I would also like to recommend that a portion of this financial fund be placed in specific career areas to provide financial aid for the beginning college student through his graduate education. For example, California State Colleges with large numbers of Spanish-speaking students might be given *premedical* scholarships for the Spanish-speaking students, and California universities would be given *medical* scholarships for their Latin-American students.

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Senator MONDALE. I think we will move on to Mr. Edward Moreno, and then we will question the panel as a whole.

Mr. MORENO. Thank you, Senator.

CONGRESS AND FEDERAL EXECUTIVE: CHICANO EDUCATION

Once again, a subcommittee is seeking improvement in the educational opportunities directed at Mexican American children. Little can be added after the comprehensive hearings of the 90th Congress on bilingual education—both the Senate and House hearings. The comprehensive suggestions, concepts, recommendations and models presented at the Cabinet Committee hearings on Mexican American affairs in El Paso, Tex., October 26–28, 1967, have been set aside by this administration.

Therefore, all I can do is to update the information and again focus on those areas that might be improved through legislative action.

My experience as a secondary and adult teacher the last two decades, as a county consultant, as the administrative secretary to an innovative vehicle for change, the Mexican American Education Commission of the Los Angeles City Schools, as an associate director of Federal training programs, as statewide president of the Association of Mexican American Educators and now as a member

of the Mexican American Studies program at San Fernando Valley State College, lead me to focus on four priority areas:

Bilingual education, school administrators, integration, and student walkouts.

BILINGUAL EDUCATION: TITLE VII GUIDELINES

After being involved since 1966 in promoting bilingual/bicultural, and you notice I use the words "bilingual/bicultural" legislation, after being involved in assisting members of Congress through their legislative assistants, and after developing professional and grassroots support for bilingual/bicultural education * * * it is very frustrating to read guidelines and to witness practices that impose constraints on ESEA title VII through excessive concern with internal evaluation, educational audits, monitoring designs, et cetera.

Senator MONDALE. Do these guidelines come from the Office of Education?

Mr. MORENO. They sure did. They were formulated in the summer of 1968 after the legislation was passed.

Senator MONDALE. Who is in charge of the title VII office?

Mr. MORENO. Albar Peña.

ESEA title VII Bilingual Directors have urged me to do whatever I can to generate actions that would loosen the guidelines for title VII * * * to the intent of the original legislation. It appears that priorities of individuals in the Office of Education are preventing conditions that would allow districts to structure their programs for maximum services to the children they purport to serve.

1. The evaluation constraints are forcing districts to turn their programs into English as a second language instead of developing bilingual/bicultural programs. There are materials for ESL programs, there are pre- and post-tests, and there are ways of gathering hard data.

Thus, if districts are using title VII funds for English as a second language programs, who needs Federal legislation? Bilingual/bicultural programs must include those needs as determined by the participants and those needs for better fostering understanding among all community members, as the intent of the legislation spelled out.

2. All districts have difficulty finding bilingual/bicultural teachers who can switch from one language to another as needed. Yet, how many programs are using those students, parents, and other persons living in the barrios as teachers, as instructors or as bilingual aides to instruct Mexican American children? Not to collect lunch money, not to pass out the books, not the chores, but the actual instructional program.

Senator MONDALE. Is that Miami program directed at the Cuban population?

Mr. MORENO. Yes, but we have had programs that are bilingual and bicultural that comply with the intent of the legislation. They are models already, but we are pumping money over here.

BILINGUAL EDUCATION: DADE COUNTY GRANT

Dr. CARDENAS. The program in Dade County, Fla., which will have $2 million spent on it, illustrates some of the apparent lack of leadership in bilingual education within the U.S. Office of Edu-

cation. Their statement is that this is going to be a national curriculum for the Spanish-speaking.

Now, the differences between children of Cuban refugees in Dade County, Fla. and the differences that you find in California and Texas negates this objective, and I don't think that the curriculum that is being produced will service either population, if it intends to serve all—it will serve none. I really take exception to the commitment of this amount of money for one specific type of Spanish-speaking population which will have very little transfer value to the others.

Senator MONDALE. You say $2 million in bilingual funds have been allocated to Dade County?

Dr. CARDENAS. That is right.

Senator MONDALE. That is 20 percent of the annual appropriation.

Dr. CARDENAS. That is right, however out of the $2 million, only one-fourth is coming from this funding period, and $1½ million will come from fiscal 1972.

Senator MONDALE. How much do you get for your schools?

Dr. CARDENAS. $138,000.

Senator MONDALE. You have the largest Mexican American population in your school district, probably, of any school system in the country.

Dr. CARDENAS. One of the highest concentrations. It is 93 percent Mexican American.

This ties in with what Mr. Moreno was stating a few minutes ago. I wrote a proposal for an extended program for the production of television programs in bilingual education. The proposal was funded, and they have never explained why, or how, but it was granted to another institution. They admitted it was a very good proposal.

Senator MONDALE. You developed it, and who got the money?

Dr. CARDENAS. The Austin Regional Service Center.

I came to Washington and raised some questions about this, and one of the reasons was, as Mr. Moreno has stated, there were some of us who took exception of the implementation of this evaluation program presented at the conference in Newport, Calif. I think it is asinine to have auditing of bilingual programs when instrumentation hasn't even been developed.

I was informed by the Office of Education that the reason the school district was not going to receive the money was that I had not played ball with them on this evaluation concept.

Mr. MORENO. One of the hang-ups is based on the philosophy of an acquaintanc of mine who came from San Mateo, Calif., had a philosophy, "Zero reject."

Nobody fails, you keep changing the schools to adjust to the students, and you have good educational audits all the way through.

But I think—I am assuming he and the other people in the Office of Education, took it upon themselves to impose this type of constraint on title VII and title VIII—title VIII is the dropout prevention program. Both of these programs are suffering because of this type of constraint.

So, as Joe said, if you want to play ball, you have to submit to this evaluation syndrome.

Senator MONDALE. What does that $2 million to Miami—who did it go to?

Mr. MORENO. Ralph Robinett, and Paul Bell were the gentlemen involved for the Dade County schools.

Senator MONDALE. When was that announced?

Dr. CARDENAS. Very recently. It was within the last 60 days that it was announced.

Senator MONDALE. Go ahead.

BILINGUAL EDUCATION: TITLE VII

Mr. MORENO. Let title VII train those barrio residents to become teachers. Title VII can legitimize the assets that these persons possess.

The intent of title VII was to provide a vehicle for creative approaches to the education of specific populations. Yet the frustrations articulated by directors of bilingual programs indicate that another piece of far reaching legislation will be perverted to serve the interests of all but the children it was meant to serve. Another example of Office of Education misplaced priorities is the allocation of $500,000 to two linguists from Miami to develop a model Spanish bilingual program. Why not support and replicate the 6-year program at Laredo, Tex., which is being used as a model by many proposals anyway?

It appears that few children and few districts where title VII is being utilized will benefit from any creative structural change as a result of a bilingual/bicultural program.

EDUCATION FOR STABLE INTEGRATION

The topic of integration seems logical at this time. Integration of poor black with poor brown or even a few poor whites is not benefiting any group or this Nation. It is the socioeconomic integration of all children that is the long-range goal that many are working toward.

As stated in the point of view in the education of Mexican American children presented by the Association of Mexican American Educators, the first phase of any integration program must include an integrated curriculum for all the children K–12 in all districts.

I have submitted this exhibit to be included in the record.

Senator MONDALE. It shall be included in the files of the Committee.

LANGUAGE AND CULTURE

Mr. MORENO. What end is served by having Mexican American children sitting with poor blacks or poor whites reading about the myths of Davy Crockett and not reading about the exploits of frontiersmen throughout the southwest 200 years before Davy Crockett was born? What purpose is served by busing Mexican American children to schools in the San Fernando Valley, the suburbia of Los Angeles, when the parents living there are writing letters to conservative legislators in California, and to the State Board of

Education demanding that a picture of Cesar Chavez and three small paragraphs about him be eliminated from a State textbook adoption?

Even the State superintendent made it clear to members of the State curriculum commission that he did not want the picture in the text. Several senators in Sacramento have requested that the entire section on Cesar Chavez be taken out. All this even with State board policy and legislative laws written into the educational code of California that minorities be presented in all State adoptions.

If we cannot even integrate texts in a State adoption, are there any Federal strategists or legislation that can assist local districts who want to move forward? When Los Angeles City schools were requested by court order to draw plans for desegregation, all kinds of support came to stall integration, even the Governor stated that he would prevent the busing of children.

Yet, in nearby Pasadena where plans and efforts have been made to desegregate, no one even recognized the tremendous effort mounted by Pasadena to desegregate. So who in the hell really cares about the best interests of this Nation?

Under the topic of school administration there are a few thoughts I wish to share with you.

TEACHERS AND SCHOOL ADMINISTRATION

It is very repugnant to a barrio community to have administrators who have not identified with the community nor been sensitive to its needs suddenly appear as directors, specialists or evaluators of programs serving Mexican American children. Often district budget cuts will dictate the position of bilingual directors.

I am not bringing this issue as an issue of competency or qualification, but the issue is community development. How can we ever raise the sophistication of a community if we have imposed upon it—foreign imports—foreign to needs and sensitivities. I think you are going to have to vote soon on a bill on tariffs. I think we are going to have to do the same thing.

Programs and proposals implemented in the barrios must have staffs that the barrio elects. This is not separatism—nor an ethnic bag—but community development. And I wonder if you would think about that for a while, because this is what we are talking about, community development.

FEDERAL FUNDING: CRITERIA

Another item that has to be reviewed is the allocation of funds based on identification of characteristics of people. By putting this monkey on the backs of poor blacks, browns, and whites we are institutionalizing poverty. Let us glance instead at the factors that prevent a school district or a school in providing a learning environment for children to learn in.

1. How many substitute teachers does that school have?
2. How old are the buildings?

3. Does the community have a role in the selection of the school's staff?

4. Are the needs, nutritional, recreational, medical, plus educational, that the school is trying to fulfill twice that of a suburban school?

5. What are the needs of its school community—sidewalks, lights, parks, et cetera?

6. What kind of local tax base does the district have?

The point is that the schools and school districts need compensating. They are the ones that need to be assisted, changed or closed down. The monkey is on the schools to provide the services—and not on the children to be prepared to function in a dysfunctional system. Compensatory education has to be assigned to disadvantaged schools or districts and not to children.

Federal legislation can be aimed at encouraging districts to utilize planning, programing, budgeting systems. El Monte School Districts can easily allocate resources and funds to priority programs.

I have submitted this exhibit to be included in the record.

Senator MONDALE. It will be included at this point in the record.

(The exhibit referred to follows:)

El Monte Union High School District 1969–70 summary and comparison

Traditional budget (J.41):	
100—Administration	$233, 572
211—Principle salaries	309, 400
212—Curriculum Admission	41, 800
213—Teacher's salaries	3, 866, 378
214—Counselors, etc	604, 373
220—Classroom salaries	412, 635
200—Instructional supplies	417, 372
400—Health	82, 799
600—Operation of plant	546, 748
700—Maintenance	314, 140
800—Fixed charges	435, 405
Subtotal	7, 264, 622
500—Transportation	49, 089
Current expenditure subtotal	7, 313, 711
1100—Community service	144, 035
Subtotal	7, 457, 746
1200—Capital outlay	151, 221
Total expenditures	7, 608, 967
Instruction:	
Basic and general:	
Art	135, 752
English	630, 180
Foreign language	181, 701
Mathematics	349, 500
Music	140, 922
Boy's physical education	296, 744
Girl's physical education	220, 193
Social science	412, 455
Science	264, 875
Subtotal	2, 632, 322

El Monte Union High School District 1969–70 summary and comparison—Con.

Instruction—Continued	
Vocational:	
Business education	$329, 685
Industrial arts	298, 527
Homemaking	182, 753
Subtotal	810, 965
Adult education	398, 703
Special Programs:	
Education of Handicap	45, 259
E.M.R	82, 596
Physically handicapped	9, 347
Driver training	82, 362
Federal aid program	600, 000
Subtotal	819, 564
Total, instruction	4, 661, 554
Planning, programing, budgeting system:	
Instructional support:	
Reading laboratory	56, 730
Summer school	93, 817
Work experience	94, 009
Audio visual	30, 335
Library	97, 021
Enrichment	3, 086
District I and G	79, 564
Total	454, 562
Pupil services:	
Attendance	98, 007
Guidance	426, 500
Health service	82, 910
Activities	135, 155
Total	742, 572
General Support:	
Board of trustees	59, 374
Superintendent	44, 016
Business office	114, 450
School administration	408, 220
Personnel	54, 400
Food services	2, 636
Data processing	86, 316
Maintenance/operation	838, 682
Print shop	33, 111
Transportation	71, 850
Warehouse	13, 976
Total	1, 727, 031
Community services: Districtwide	[1] 23, 248
Recap:	
Instruction	4, 661, 554
Instructional support	454, 562
Pupil services	742, 572
General support	1, 727, 031
Community service	[1] 23, 248
Total expenditures (P.P.B.S.)	7, 608, 967

[1] $120,787 allocated to other programs. Community service total appropriation is $144,035.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE,
OFFICE OF THE SECRETARY,
Washington, D.C., October 29, 1970.

Hon. WALTER F. MONDALE,
Chairman, Select Committee on Equal Educational Opportunity, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: Thank you for your letter of October 6 requesting information about equal employment opportunities in Government agencies. Information concerning the racial/ethnic breakdown by job titles and GS grades of personnel currently employed by the Office for Civil Rights is enclosed.

If you have further questions in this matter, please let me know.

Sincerely yours,

J. STANLEY POTTINGER,
Director, Office for Civil Rights.

RACIAL/ETHNIC BREAKDOWN BY JOB, TITLES, AND GS GRADES—OFFICE FOR CIVIL RIGHTS/DHEW
BREAKDOWN OF PERSONNEL

GS grade	Headquarters	Regions	Total
17	1		1
16	3		3
15	12	9	21
14	25	30	55
13	17	59	76
12	14	31	45
11	9	14	23
9	8	10	18
Totals	89	153	242

Note: Number of GS-9 and above personnel: Headquarters, 89; Regions, 153; Total, 242.

BREAKDOWN OF MINORITY PROFESSIONAL STAFF

GS grade, job and title	American Indian	Negro	Oriental	Spanish Surnamed American
16 Assistant director (planning)		1		
15 Regional civil rights director		3		
15 Deputy director, Health and Social Services Division		1		
15 Staff assistant				1
15 Supervisory attorney		1		
15 Supervisory civil rights specialist		1		
14 Civil rights specialists		11		1
14 Contract compliance specialists		2		1
14 Supervisory civil rights specialists		2		
14 Special assistant		1		
14 Deputy regional civil rights director		1		
14 Deputy civil rights director for administration				1
14 Attorney advisor		1		
14 Staff advisor		1		
14 Supervisory contract compliance specialist		1		
13 Civil rights specialists		30		3
13 Contract compliance specialists		3		
13 Construction contract compliance specialist	1			
13 Statistician		1		
13 Supervisory personnel staffing specialist		1		
13 Attorney advisor		1		
12 Civil rights specialists		15	1	3
12 Contract compliance specialist		3		
11 Civil rights specialists		8		2
11 Civil rights generalist		1		
11 Staff assistant		1		
9 Civil rights specialists		3		2
9 Contract compliance specialist				1
9 Staff assistant		1		
9 Personnel assistant		1		
Total	1	96	1	15

Note: Total minority staff 113.

Mr. MORENO. Here you have the budget items and the old line budget, and you can see the differences almost immediately.

PPBS provides its community with a visual summary of where its money is being spent. Believe me, the first item that barrio people ask to see is the budget of a school or a program. They know that the budget reflects policy and political priorities.

In addition, an analysis of cost per unit of ADA—average daily attendance—could be legislatively demanded.

I have submitted this exhibit to be placed in the record.

Senator MONDALE. It will be included at this point in the record.

(The exhibit referred to follows:)

INTER-OFFICE CORRESPONDENCE,
LOS ANGELES CITY SCHOOLS,
February 13, 1969.

To: Mrs. Mildred Naslund, Div. of Instr. Plan. & Serv.
From: Frederick G. Fox, Asst. Supt., Budget.
Subject: Study of cost per unit A.D.A.—1967–68.

The attached study is provided for your information.

This study was prepared to determine the extent to which the District has enriched the educational program at schools qualifying for projects funded under E.S.E.A.—PL 89-10, Title I (first funded during the second semester of 1965–66). The data for this study was taken from the Controller's "Expenditures by Schools" report which includes only direct charges to schools for all regular and specially funded educational programs.

If there are any questions concerning this report, please contact George E. McMullen on Extension (A) 2964.

[Enclosure (1)]

ANALYSIS OF COST PER UNIT ADA—COMPARISON OF SCHOOLS WITHIN VERSUS SCHOOLS OUTSIDE DEFINED [1] POVERTY AREAS: FISCAL YEARS 1965-66, 1966-67, AND 1967-68—DATA FROM "EXPENDITURES CLASSIFIED BY SCHOOLS" REPORT

	Number of schools [2]			Average daily attendance			Current expense of education [3]			Cost per unit ADA		
	1965-66	1966-67	1967-68	1965-66	1966-67	1967-68	1965-66	1966-67	1967-68	1965-66	1966-67	1967-68
Elementary schools:												
Poverty area	180	178	178	150,057	153,001	154,373	$60,973,640	$68,266,157	$75,915,723	$406.34	$446.18	$491.77
Other	250	250	257	195,204	196,389	199,002	73,846,955	78,175,476,	86,237,285	378.31	398.06	433.35
Difference										◂28.03	◂48.12	◂58.42
Total	430	428	435	345,251	349,390	353,375	134,820,595	146,441,633	162,152,988			
Junior high schools:												
Poverty area	41	41	41	72,895	75,132	76,966	40,084,782	43,535,775	46,255,768	549.90	579.46	600.99
Other	30	30	31	56,094	58,297	58,934	28,592,825	31,257,946	32,985,980	509.73	536.18	559.71
Difference										◂40.17	◂43.28	◂41.28
Total	71	71	72	128,989	133,429	135,900	68,677,607	74,793,721	79,241,748			
Combined junior and senior high schools:												
Poverty area	3	3	2	8,085	7,999	6,187	4,924,669	5,176,208	4,111,118	609.11	647.11	664.48
Other	1	1	1	2,097	2,117	2,173	1,273,458	1,317,498	1,499,882	607.28	622.34	690.24
Difference										◂1.83	◂24.77	◂—25.76
Total	4	4	3	10,182	10,116	8,360	6,198,127	6,493,706	5,611,000			
Senior high schools:												
Poverty area	18	18	21	45,929	47,102	50,900	27,828,114	30,329,727	35,815,192	605.89	643.92	703.43
Other	23	23	23	61,421	62,918	64,195	35,849,647	38,483,594	41,086,549	583.67	611.65	640.06
Difference										◂22.22	◂32.27	◂63.61
Total	41	41	44	107,350	110,020	115,095	63,677,761	68,813,321	76,901,741			
Total, all schools (K to 12):												
Poverty area	242	240	242	276,966	283,234	288,426	133,811,205	147,307,867	162,097,781	483.13	520.09	562.01
Other	304	304	312	314,816	319,721	324,304	139,562,885	149,234,514	161,809,696	443.32	466.76	498.94
Difference										◂39.81	◂53.33	◂63.07
Total	546	544	554	591,782	602,955	612,730	273,374,090	296,542,381	323,907,477			

[1] Poverty area schools are defined as those schools qualifying for ESEA—Public Law 89-10, Title I—Programs for Culturally Disadvantaged Pupils.
[2] Excludes schools for handicapped pupils and opportunity high schools.
[3] Includes only those regular and specially funded program costs directly related to a school site. (Salaries and expenses of instruction, and operation and maintenance of plant.) (Excludes administration health services, fixed charges, and all other indirect costs.)
◂ Difference.

LOS ANGELES UNIFIED SCHOOL DISTRICT, SCHOOLS QUALIFYING FOR ESEA—PUBLIC LAW 89-10, TITLE I PROGRAMS—1967-68

I. ELEMENTARY SCHOOLS

Albion St.
Aldama
Alexandria Ave.
Allesandro
Alta Loma
Angeles Mesa
Ann Street
Aragon Ave.
Arlington Heights
Ascot Ave.
Atwater Ave.
Avalon Gardens
Bandini St.
Barton Hill
Beethoven St.
Belvedere
Braddock Dr.
Breed St.
Bridge St.
Broadway
Brockton Ave.
Brooklyn Ave.
Buchanan St.
Budlong Ave.
Burnside Ave.
Bushnell Way
Cabrillo Ave.
Castelar
Cienega
City Terrace
Clifford St.
Compton Ave.
Cortez St.
Dacotah St.
Dayton Heights
Dorris Place
Eastman Ave.
Elizabeth St.
El Sereno
Elysian Heights
Eshelman Ave.
Euclid Ave.
Evergreen Ave.
Farmdale
Fifteenth St.
Fifty-Ninth St.
Fifty-Second St.
Figueroa St.
First St.
Fletcher Dr.
Florence Ave.
Ford Blvd.
Forty-Ninth St.
Forty-Second St.
Fourth St.
Fries Ave.
Garvanza
Gates St.
Glassell Park
Glen Alta
Glenfeliz Blvd.
Graham
Grant
Grape St.
Gravois St.
Griffin Ave.
Gulf Ave.
Haddon Ave.
Hammel St.
Harrison St.
Hawaiian Ave.
Hillside
Hobart Blvd.
Holmes Ave.
Hooper Ave.
Hoover St.
Humphreys Ave.
Huntington Ave.
Lane
Lankershim
La Salle Ave.
Latonia Ave.
Laurel
Lillian St.
Lockwood Ave.
Logan St.
Loma Vista Ave.
Lorena St.
Loreto St.
Magnolia Ave.
Main St.
Malabar St.
Manchester Ave.
Marianna Ave.
Marvin Ave.
Mayberry St.
Menlo Ave.
Micheltorena St.
Middleton St.
Miles Ave.
Miramonte
Monte Vista
Mt. Washington
Multnomah St.
Murchison St.
Nevin Ave.
Nightingale
Ninety-Fifth
Ninety-Ninth
Ninety-Second
Ninety-Seventh
Ninety-Sixth
Ninety-Third
Normandie
Normont
Norwood St.
O'Melveny
108th St.
111th St.
109th St.
102nd St.
107th St.
116th St.
112th St.
122nd St.
Pacoima
Parmelee Ave.
Ramona
Raymond Ave.
Riggin Ave.
Ritter
Roosevelt
Rosemont
Rowan Ave.
Russell
San Fernando
San Pedro St.
Santa Barbara
Santa Monica
Second St.
Selma Ave.
Seventh St.
Seventy-Fifth
Seventy-Ninth
Sheridan St.
Sierra Park
Sierra Vista
Sixth Ave.
Sixty-Eighth St.
Sixty-First
Sixty-Sixth
Solano Ave.
Soto St.
South Park
Sterry
Sylvan Park
Telfair Ave.
Tenth St.
Thirty-Second
Thirty-Seventh
Thirty-Sixth
Trinity St.
Twentieth St.
Twenty-Eighth
Twenty-Fourth
Union Ave.
Utah Street
Van Deene
Vaughn
Vermont Ave.
Vine Street
Wadsworth
Weigand Ave.
Western Ave.
Westminster
Wilmington Park
Woodcrest
Yorkdale

II. JUNIOR HIGH SCHOOLS

Adams	Gompers	Pacoima
Audubon	Griffith	Pasteur
Belvedere	Harte	Peary
Berendo	Hollenback	Reed
Burbank	Irving	San Fernando
Carver	King	Stevenson
Clay	La Conte	Twain
Dana	Maclay	Van Nuys
Drew	Mann	Virgil
Edison	Marina Del Rey	Webster
Emerson	Markham	White
Fleming	Muir	Wilmington
Foshay	Nightingale	
Gage	Nimitz	

III. COMBINED JUNIOR-SENIOR HIGH SCHOOLS

Lincoln	Wilson

IV. SENIOR HIGH SCHOOLS

Banning	Fremont	Manual Arts
Bell	Gardena	Marshall
Belmont	Garfield	Narbonne
Carson	Jefferson	Roosevelt
Crenshaw	Jordan	San Pedro
Dorsey	Locke	Venice
Franklin	Los Angeles	Washington

Prepared by Budget Division January 27, 1969.

FEDERAL PROGRAMS—EVALUATION

Mr. MORENO. A cursory glance at an analysis done by the Los Angeles City Schools allows community people to begin to raise questions such as:

1. How was the additional dollars per ADA spent?
2. Was the expenditure effective?
3. How many real children were involved in each school?

We can play with figures all the time, but sometimes you have a program of 30 kids and those kids qualify for everything. You hire a teacher for $10,000, a music specialist at $10,000, and you have 30 kids and 10 teachers, and you think the school is being impacted. I think it is a fool's paradise. We have no way of finding out how this is being done unless there is an analysis being done on how the money is spent.

4. Who determined how the money should be spent?
5. What difference would it make if the funds were increased or decreased?

In summary, I have tried to indicate that Federal legislation must give ammunition to barrio and ghetto communities so that they, at a local level, can bring about the necessary pressures.

Give special attention to that little sentence, because I think the legislation is limited as to what it can do, but it can provide us with ammunition.

Moreover, Federal legislation must have written into it the philosophy of community development, of community self-help.

My last topic is the one that concerns me the most. It concerns me because adult leadership, like the people sitting in this room, has not been taken. Naively, I expected even bureaucratic leadership. Certainly, we need not wait for students to walk out to tell us what has to be done. There is nothing new in what the student demands have outlined.

I request that this exhibit be included in the record. This is the reply to the 36 demands by the students in Los Angeles.

Senator MONDALE. It will be included at this point in the record.

(The exhibit referred to follows:)

INTERIM REPORT

DEMANDS AND REQUESTS, STUDENT WALKOUTS

This is a compilation of:

A. Demands and Requests Presented in Connection with Student Walkouts;

B. Staff Response to A.;

C. Board Response and Action to both A. and B. above.

Student walkouts occurred during March, 1968. On March 26, 1968, a memo from the Superintendent was sent to Members of the Board of Education. This memo contained A. and B. above. The opening statement of this memo is also included in the attached material.

At various meetings of the Board of Education subsequent to March 26, 1968, these demands and requests were discussed and the staff response reviewed. Actions taken by the Board as a result of these discussions are summarized in the following pages. The numbering of each demand and the staff response is as it appeared in the March 26, 1968 memo. This is followed by the response which in most cases was official action of the Board of Education.

A supplement to this report summarizing committee work on those items referred to committees or to the staff and related information will be published at a later date. Committee and staff work is proceeding on these items and many things have already taken place to help resolve some problems pointed out in many requests.

For further information on Board discussion and the vote on each item, the Minutes and recordings of Board meetings should be consulted.

(Opening Statement and First Page for March 26, 1968 Memorandum)

Inter-Office Correspondence,
Los Angeles Schools,
March 26, 1968.

To: Board of Education Members.
From: Jack P. Crowther, Superintendent.
Subject: Staff response to demands and requests presented in connection with student walkouts.

The following summary is a response from staff, for your assistance in your discussions with various groups, to demands and requests presented by various student, teacher, and community groups in connection with East Los Angeles student walkouts.

It needs to be emphasized, that in the main, many of the items are essentially the same as projects which staff has, from time to time, presented to the Board for its consideration. The list of demands has created two erroneous implications:

a. That little if anything has been attempted by the Board and the district in trying to carry out educational improvements demanded by the students and community, and

b. That improvements have been carried out in other schools throughout the district, particularly in more affluent areas, at the expense of East Los Angeles schools.

Neither of these assertions is correct, as the data in this report will indicate.

One other impression also needs to be clarified: that funds are available to carry out the list of demands. The fact is that no such funds are available without cutting elsewhere. The facts are that a major share of funds is already being allocated to minority area schools (an average of $53 more annually per student than in so-called advantaged areas).

A preliminary review of income forecasts for next year indicates that the district's financial condition will not be improved at all. Little if any funds will be available for major program improvements such as those included in these requests and demands.

Therefore, it is incumbent upon all of us that we not give the community false expectations for improvement when funds are not available. Rather, may we suggest that we seek to enlist the support of the concerned community, teacher, and student groups in a concerned effort to make our state and administration and legislators aware of the critical need to provide major improvements.

The information that follows has been prepared in response to the presentations from the various groups and has been arranged alphabetically for your convenience.

1. ADMINISTRATORS

All administrators where schools have a majority of Mexican-American descent students shall be of Mexican-American descent. If necessary, training programs should be instituted to provide a cadre of Mexican-American administrators.

Staff response to this request

For several years, concerned efforts have been made to persuade Spanish-surname teachers to accept assignments in schools with large numbers of Spanish-surname students. More than one-third of the 816 teachers (Spanish surname) are so assigned. However, it should be stressed that teachers generally are assigned to schools of their choice in accordance with existing board policy; therefore, efforts to increase the number of teachers in these schools

must be persuasive and must include the support of teacher and community groups.

Likewise, there is an inadequate number of Spanish-surname teachers who hold administrative credentials and are eligible to move into administrative positions. As a result, the district has initiated a training program to prepare minority group teachers for administrative credentials. However, here too, district efforts will not be effective unless responsibility for encouraging teachers to return to school and acquire the necessary credentials is also assumed by teacher groups and by the community.

Board response to this request (motions adopted April 1, 1968)

That it is the sense of this Board that it cannot agree with the first sentence in this item, which reads: "All administrators where schools have a majority of Mexican-American descent students shall be of Mexican-American descent."

That *the Superintendent* be requested to *report expeditiously* and from time to time on the success *of his announced program to train and recruit Mexican-American administrators* of minority extraction.

(Note: The above paragraph refers to the second sentence of the request.)

2. ASSEMBLIES

That special non-academic assemblies be made voluntary during part of the lunch period and that they in no way should interfere with the regularly scheduled instructional program of the school.

Staff response to this request

Assemblies of this nature already are a part of school activities throughout the district, and many schools have initiated student forums and discussion groups on a variety of public issues. Assemblies with recognized educational value are held during the regular school day, but every effort is made to keep these to a minimum in order that academic work not be disrupted. The student discussion groups are encouraged as a means of giving students opportunities to air their own views on a particular topic. Board rules govern the participation of outside speakers.

Board response to this request (motion adopted April 1, 1968)

That this item be referred to the Personnel and Schools Committee for study and report to the Board at the earliest possible time.

(Note: It was stated that this motion implies a report to the committee by the Superintendent and that it applies to senior high schools only.)

3. BILINGUAL PERSONNEL

Mexican-American or Spanish speaking persons should be encouraged to become administrators, counselors, and Child Welfare and Attendance workers. At least one of the administrators and one of the counselors should speak Spanish. All Child Welfare and Attendance workers should be able to speak Spanish.

Staff response to this request

This need has long been recognized by staff, as indicated by the response to the section on administrators previously. The need to be conversant in Spanish is also highly desirable, and adult education classes in conversational Spanish are currently being attended by some 2,000 teachers, administrators, child welfare and attendance workers, and classified employees.

Other district programs to encourage fluency in Spanish include the following:

a. Workshops in conversational Spanish held for the last three years to

provide for high school counselors an opportunity to learn the basic vocabulary needed to confer with Spanish-speaking parents and pupils.

b. Recent Board of Education policy providing extra pay for bi-lingual ability for classified personnel.

c. An organized program by the Child Welfare and Attendance Branch to provide fluency in Spanish for its assistant supervisors. This includes a seminar to be conducted this summer for all new assistant supervisors who work in Spanish speaking residential areas. The project, to be conducted at a cost of $20,000, will be directed by Dr. Rosalio Munzo, special services supervisor for the Child Welfare and Attendance Branch.

Board response to this request (motion adopted April 1, 1968)

That the Board agrees with this request in principle and asks the Superintendent to make a report to the Board regarding the development of programs to this end.

4. BILINGUAL INSTRUCTION

Bi-lingual—bi-cultural education will be compulsory for Mexican-Americans in the Los Angeles City School system where there is a majority of Mexican-American students. This program will be open to all other students on a voluntary basis. In-service education programs will be instituted immediately for all staff in order to teach them the Spanish language and increase their understanding of the history, traditions, and contributions of the Mexican culture.

Staff response to this request

Staff recognizes that it is highly desirable to provide some degree of bi-lingual and bi-cultural education for Spanish surname students. As a result of a change in state law last year, it is now possible for bi-lingual instruction to be offered in those situations when such instruction is "educationally advantageous to the pupils."

It needs to be remembered that not all Spanish surname students are of Mexican-American descent and vast differences of opinion are found in the Spanish surname community regarding the extent of bi-lingual and bi-cultural instruction.

Nevertheless, a large variety of instructional and in-service training programs are being provided—not only to increase the competency in Spanish of staff—but also to increase their understanding of the history, traditions, and contributions of the Latin culture.

A large segment of the Elementary and Secondary Education Act programs in East Los Angeles schools, as well as programs funded with district funds, is devoted to the area of bi-lingual and bi-cultural instruction.

Board response to this request (motion adopted April 1, 1968)

That this item be referred to the Educational Development Committee.

5. BUILDING—NEW

New high schools in the area must be immediately built. The new schools will be named by the community. At least two senior high schools and at least one junior high school must be built. Marengo Street School must be reactivated to reduce the student-teacher load at Murchison Street School.

Staff response to this request

Since 1933, the district has spent $25,556,717 on land, buildings, and equipment at Roosevelt, Garfield, Lincoln and Wilson high schools.

Senior High—The New Wilson is now under construction in the East Los Angeles area. No other new schools are funded with 1966 Bond Funds.

The following plan for these four senior high schools serving East Los Angeles area will provide a capacity for 12,600 pupils to house the projected total enrollment of 11,300 senior high pupils.

a. The opening of New Wilson High School in September 1969, will provide space for approximately 300 pupils from Garfield and 200 pupils from Roosevelt.

b. Additional buildings—to be funded in a future bond issue—will increase capacities at Wilson to 3000 and Roosevelt to 3500.

c. Lincoln High School will become a three-year Senior High School upon completion of the New Wilson High School.

Junior high pupils will be phased out of Lincoln High and will go to the Old Wilson Junior High and Nightingale Junior High.

There will be a capacity for 2600 senior high pupils at Lincoln for a projected enrollment of only 1900. This excess capacity will allow space for the development of special programs to serve the area.

Future replacement of pre-1933 buildings can be designed around the special programs and anticipated enrollment requirements.

Junior High—No new Junior High Schools are funded in the 1966 bonds for the East Los Angeles area.

However, conversion of Old Wilson High School to a junior high school and the construction of additional facilities at several schools is included in the 1966 Bond Program. Projects at Belvedere, Stevenson, Wilson and Nightingale junior high schools will provide a total capacity of 14,200 junior high school pupils in the East Los Angeles area.

Housing and population trends will be studied thoroughly in preparation for the next school bond proposal, and if a new school is essential, it will be included in the bond issue.

Names for new secondary schools are recommended by committees selected from the area to be served by the new school. This policy has been in force for several years and is followed in the entire School District. With the opening of the New Wilson High School, the community will have the opportunity to rename the Old Wilson which is being converted to a junior high school.

Reactivation of Marengo Street School is not possible. It is a pre-1933 building that does not meet earthquake resistance laws and cannot be used by school pupils without major rehabilitation or replacement.

Board response to this request (motion adopted April 1, 1968)

That this item be referred to the Building Committee.

6. BUILDING—REHABILITATION

Buildings that are not earthquake-proof or are physically or structurally unsafe should be immediately replaced or made safe. Students should not be allowed to attend classes in any building so categorized.

Staff response to this request

In no case does the district operate classes in unsafe buildings. All district school buildings are far sturdier than most other community or privately owned facilities. Some of the buildings, however, do not meet the strict requirements of the Field Act Standards—determined only after exhaustive engineering studies. These standards are considerably more restrictive than local building codes.

With the completion of the 1966 bond program, we will have demolished or replaced 581 (86%) of the 676 masonry buildings constructed prior to the establishment of the Field Act Standards in 1933. Meanwhile, we have successfully housed over 400,000 new children, and have made many improvements, lighting, acoustics, etc., to make teaching stations in all buildings desirable places in which to teach children. Only 95 buildings throughout the District remain to be programmed with future funds.

Priorities for preceding with the program are established on the basis of a coring of the building and an analysis by an independent testing laboratory and by district structural engineers. This analysis indicates the building's ability to withstand the forces of earthquakes. The remaining 95 buildings are the least susceptible to earthquake damage—and safest—in the original total of 676 buildings.

Board response to this request (motion adopted April 1, 1968)

That this item be referred to the Building Committee.

(Note: It was understood that the Building Committee would review Items Nos. 5 and 6 with the Superintendent and staff.)

7. CAFETERIA

Improvement of quality and service of cafeteria food for both teachers and students. Student menus should be Mexican oriented. Open-air student eating areas should be made into roofed eating malls.

Staff response to this request

Quality of cafeteria foods is continuously evaluated. New recipes are added each year to the menu and old recipes retested to determine if improvement can be made.

Present menus are Mexican oriented. In fact, on the standard price and portion list, which is used by all secondary schools, there are 16 Mexican-type entrees. A selection from these may be prepared at any time and if a school desires, a Mexican dish can be offered every day of the school year.

Cafeterias must be self-sustaining in their operating costs. We would welcome qualified mothers who would be interested in working in our cafeterias. As we operate under a merit system, it would be necessary for them to qualify by taking an examination.

Open air *covered* eating areas are funded for the new Wilson Senior High and old Wilson Junior High (both are under construction). Roosevelt High's Master Plan includes a covered outdoor eating area, but it must be funded from a future bond issue. Garfield High's central mall plan also includes a covered outdoor eating area. This project is funded, and preliminary plans are approved. Lincoln High School has a very limited area where a covered eating area could be provided. Future bond funds would be required for the project.

Board response to this request (motion adopted April 1, 1968)

That the first sentence in this item, which reads "Improvement of quality and service of cafeteria food for both teachers and students.", be referred to the Auxiliary Services Committee.

(Note: It was understood that the second sentence of Item 7, which reads "Student menus should be Mexican oriented.", would be referred to the Superintendent.)

8. CLASS SIZE

Class size should be reduced so that teachers can be more effective in the classroom and devote more time to individual students. Team teaching approach should be used to reduce student-teacher ratio to 20/1.

Staff response to this request

Reduction of class size is, likewise, a major objective of the district. To reduce class size to 20 pupils per class would require hiring of 800 teachers for target area schools only, at a cost of $6 million annually. Further, it would require construction of 650 additional rooms at a total cost of $13 million for buildings. It should be emphasized that average class size in both elementary and secondary schools is smaller in East Los Angeles schools than throughout the district as a whole. The following two charts are examples:

CHART I

	Average class size		
	Kindergarten	1 to 3	4 to 6
East area (57 schools)	20.7	28.0	35.8
Elementary district (435 schools)	23.2	29.9	36.9

CHART II

School	Enrollment	Certified staff	Pupil-teacher ratio	Administrators
Lincoln	3,183	163	119.5	4
Roosevelt	3,337	148	22.5	3
Wilson	3,410	147	23.2	4
Garfield	3,671	178	20.6	4
Gardena	3,222	132	24.4	3
Birmingham	3,502	148	23.6	3
Grant	3,503	143	24.5	3
Fr. Poly	3,624	156	23.2	3

Board response to this request (motion adopted and agreement reached April 15, 1968)

That the Board agrees with the first sentence in this item, which reads: "Class size should be reduced so that teachers can be more effective in the classroom and devote more time to individual students.", and endorses as an accurate analysis of the issue the position statement reported by the Superintendent.

Following discussion of the last two sentences in this item, which read: "Team teaching approach should be used. Reduce student-teacher ratio to 20/1.", the Board agreed to take note of these requests. No further action was taken, for the reason that various team teaching approaches are presently being studied and because the student-teacher ratio cannot possibly be reduced to 20/1 with the present funding situation.

9. CLEANUP

School janitorial services should be restricted to the employees hired for that purpose by the school board. Students will not be punished by picking up paper or trash and keeping them out of class.

Staff response to this request

School custodians are assigned on the basis of uniform manpower allotments equally applicable to all schools of the district. Custodians are school board employees assigned to the "housekeeping" functions. We agree that students should not be kept out of class and punished by being asked to pick up paper or trash.

Board response to this request (motion adopted and agreement reached April 15, 1968)

That the Board concurs with the position statement reported by the Superintendent.

10. COMMUNITY RELATIONS

Hold workshops for certified staff to learn background, customs, cultures, and community around high school.

Staff response to this request

Workshops in this category, as well as related in-service training, are being conducted on a continually expanding basis, not only at individual schools, but as part of districtwide programs. These projects are conducted—some with federal funds—under auspices of the Office of Urban Affairs, Personnel Division, and the Elementary and Secondary Education divisions.

Board response to this request (April 15, 1968)

Following discussion of Item No. 10, Community Relations, the members of the Board agreed with the Superintendent's response.

11. CORPORAL PUNISHMENT

All forms of corporal punishment should be abolished. (No more SWATS.) Students are not to be swatted at any time for any reason.

Staff response to this request

Corporal punishment is provided for, under specific conditions, by the Education Code. It is also provided for by policy, but it is recognized as a proper disciplinary method to be administered only on rare occasions, and "only after milder measures have failed and after the nature of the offense has been fully explained to the pupil."

When corporal punishment is administered by a teacher, board policy requires that this be "in the presence of the principal or vice-principal." The student is protected also, by the requirement that the principal and vice-principal administer such punishment "in the presence of some adult witness."

If this policy is being violated by school staff, it is requested that notice of such specific violations be immediately reported to the area superintendent in order that proper remedial measures may be taken.

We do not feel that corporal punishment should be abolished, but we do believe that it may be used judiciously in certain cases under supervised conditions. We recommend periodic review of procedures with school staff.

Board response to this request (motion adopted April 1, 1968)

That this item be referred to the Personnel and Schools Committee.

12. COUNSELORS

If counselors are to make a real impact, the district must: (1) Reduce the ratio of pupils to counselors; (2) Provide clerical assistance to counselors to relieve them of paper work so more time can be given to individual counseling experience; (3) Increase efforts to recruit and train counselors of Mexican-American descent.

Staff response to this request

It is agreed that all of the points in this section are extremely valid. They are generally the same objectives which staff has attempted to have implemented for the last several years. Lack of funds has not made it possible to reduce the ratio of pupils to counselors, although federal funds have improved counseling programs at Garfield, Lincoln and Roosevelt high schools during the last two years.

Clerical assistance is urgently needed and is being requested for next year if funds are available.

In regard to point number three, the district has intensified its efforts to recruit and train teachers of Mexican-American descent for careers in counseling. However, it needs to be reemphasized that this responsibility must be shared by the community and by teacher organizations.

Board response to this request (motion adopted and agreement reached April 15, 1968)

That the Board concurs with the position statement reported by the Superintendent.

13. ELECTIVES

Either more classes should be offered, or a readjustment of existing classes should be made. Students must not regularly be told that they cannot take a particular required class because it is filled. Students should be allowed to take the electives that THEY want and not be asked to fill unfilled classes which they do not want.

Staff response to this request

Each school plans its subject offerings to provide an adequate number of classes in all required subjects, plus elective offerings to accommodate student program requests. However, there are certain limitations in all schools imposed by available teacher time and available physical facilities.

It is our opinion that students are *not* regularly denied enrollment in required subjects. In the matter of electives, there may be cases where students' first choices are not always available, due to the limitations cited above. This question will be reviewed with principals.

Board response to this request (motion adopted April 15, 1968)

That the Board endorses the staff response to this item and urges the Superintendent to bring to its attention any further recommendations in this area.

14. FREE SPEECH

No student or teacher will be reprimanded or suspended for participating in any efforts which are executed for the purpose of improving or furthering the educational quality in our schools.

Staff response to this request

Teachers and students, in their efforts to secure improvement of school programs, must recognize that other students and members of school staffs also have rights. Therefore, they should be fully aware of the need to express their opinions in a manner that will avoid disruptive situations and interference

with the educational program of the schools. There are established channels of communication that should be used. Walkouts and other disruptive acts have served their purpose. No further useful purpose would be served by further similar disruptive acts.

Board response to this request (motion adopted April 22, 1968)

That further consideration of Item No. 14 be deferred.

15. FREE SPEECH

Students should have access to any type of literature and should be allowed to bring it on campus.

Staff response to this request

State law clearly limits the type of literature which can be circulated on school campuses. Section 8454 of the Education Code states that "no bulletin, circular, or other publication of any character whose purpose is to spread propaganda or to foster membership in . . . of any organization not directly under control of the school authorities . . . shall be distributed . . . or shown to the pupils of any elementary or secondary school . . ."

Board response to this request (motion adopted April 8, 1968)

That the Board desires to increase flexibility and freedom in the distribution and availability of printed materials on high school campuses and requests the Superintendent to suggest procedures and policy statements by which this declaration can be implemented.

16. GRADES

The high incidence of fail marks in the classroom should call for an evaluation of the grading policies in East Los Angeles.

Staff response to this request

Grading policies of all schools are reviewed from time to time. Such a review is now under way of grading practices in both elementary and secondary schools throughout the district.

However, there is no data that indicates that more failing marks are given in East Los Angeles than in other sections of the school district. While certain minimum standards are established as guidelines to help teachers in grading students, it must be recognized that teachers are professionally trained persons who are best qualified to evaluate the achievements of their students and to assign grades earned by their students. This is the basis for state law which requires that marks assigned by a teacher are final except in instances of of obvious error.

Board response to this request (motion adopted April 22, 1968)

That the Board endorses the staff response to this item and invites the Superintendent to present a progress report of the study now being made outlining further recommendations with the understanding that the study referred to will include all aspects.

17. GROOMING

That dress and grooming standards should be determined by a group consisting of parents, students and teachers at each individual school.

Staff response to this request

Board policy gives principals the responsibility to "establish and enforce reasonable standards of dress . . ." In actual practice, however, dress standards are generally established in exactly the manner described in this request; that is by a committee of parents, students and teachers at each individual school. Staff believes that students and school personnel would agree with the guideline given to principals that "to be reasonable, standards must be realistic, flexible and subject to change."

Board response to this request (motion adopted April 22, 1968)

That the Board endorses the staff response to this item with the clear understanding that, if it has not been done in the past, principals will involve parents, students, and staff in this overall decision.

18. GROUPING

Homogeneous grouping-classifying of students be eliminated.

Staff response to this request

Homogeneous grouping—the grouping and classifying of students of like interest and abilities—is a widely established procedure. However, it is recognized that this type of grouping does, of course, cause considerable controversy and different points of view. Those who disapprove of the practice feel that: (1) available tests are of questionable validity; (2) other values developed in one grouped class are of greater importance than homogeneity.

It is to be emphasized that grouping which takes place in Los Angeles is not based solely on test achievements but also is based on teacher observation. For certain purposes, homogeneous grouping is a valid and valuable method of improving instruction. (Remedial reading and gifted classes, for instance.) Some homogeneous grouping, further, is required by law.

Therefore, to condemn all homogeneous grouping—including music classes, art classes, and other similar types of grouping—is to rule out the many instances where it contributes to a better education for young people.

Board response to this request (motion adopted April 22, 1968)

That the Board endorses the staff response to this item and invites the Superintendent to present further information regarding the improvement of that level of youngster who is the victim of rigidity in the area of homogeneity; and that a report concerning this subject be presented during a future 2:00 p.m. meeting of the Board of Education.

19. HISTORY AND CULTURE

Textbooks and curriculum should be developed to show Mexican and Mexican-American contribution to the U.S. Society and to show the injustices that the Mexicans have suffered as a culture of that society. Textbooks should concentrate on Mexican folklore rather than English folklore. (Treaty of Guadalupe-Hidalgo 1859.) Increased emphasis should be placed upon teaching and contributions of all minorities to United States history and culture.

Staff response to this request

Staff of the Los Angeles City Schools has long recognized the responsibility to make all students familiar and appreciative of the contributions of the various ethnic groups represented within the district. Much of the material to accomplish this objective is not available commercially. Therefore, the district has undertaken a dual task, (1) to make textbook and educational materials publishers aware of the need for such material, and (2) to publish material specifically applicable to Los Angeles for use in district classrooms.

Textbooks and curriculum used in Los Angeles depicting the contributions of all minorities to United States history and culture are considered the outstanding of their type in the nation. It is recognized, however, that this is only a beginning and much more needs to be accomplished in this area as funds are available to carry out this objective.

Board response to this request (motion adopted April 29, 1968)

That the staff response to Item 19 be approved as presented, and that the last sentence of the second paragraph be expanded to read as follows:

It is recognized, however, that this is only a beginning and much more needs to be accomplished in this area as funds are available to carry out this objective; that the production of materials should be stepped up; that, if necessary, members of the staff should be commissioned to do research; and that someone should be commissioned to write material to be made available across the District."

20. IQ TESTS

Revise I.Q. tests to include knowledge of all community cultures. Allow a 10 percent leeway for students from communities with different knowledge source material.

Staff response to this request

It must be emphasized that I.Q. tests are only one measure used for identification of students' abilities. Counselors for the most part do not expect an I.Q. score to be a measure of raw ability or potential. For some time, the use of "culture-free," "culture-fair" I.Q. tests has been sought as an answer to the handicaps which students may have who do not come from a "standard cultural background."

However, the I.Q. test cannot be considered a final measure of ability even when the I.Q. is produced by "culture-free" examinations. It needs to be restressed that other means—teacher observations, classroom performances, etc. —are also used in determining placement of students.

Board response to this request (motion adopted April 29, 1968)

That the Board endorses the staff response to this item and indicates that it would like to receive the best briefing the staff can give on the value, the weaknesses, and the possible changes in the direction of I.Q. testing.

21. LIBRARIES

Library facilities will be expanded at all East Los Angeles high schools. At present, the libraries in these high schools do not meet the educational needs of the students. Sufficient library materials will be provided in Spanish.

Staff response to this request

Library improvement programs are scheduled at three of the four East Los Angeles high schools, although only one is presently funded. A new library is included as part of the construction at Wilson High School and will include the latest facilities available in schools throughout the district.

A new library is also scheduled for Garfield High School—to be included in the replacement of the present "G" building. At Roosevelt the existing library—which is larger than the new standard libraries in new schools—will be modernized following completion of the new classroom administrative building. Both of these, however, are not funded and must be financed from future bond issues or from other sources.

Additional development of library facilities at Lincoln High School is dependent on future enrollment and implementation of special innovative programs. This project too, will be dependent upon future funding. Every effort is also being made—within limitations of available funds—to provide library material published in Spanish.

Board response to this request (motion adopted May 13, 1968)

That the Board endorses the staff response to this item, indicates its interest in reviewing the plans for the new Woodrow Wilson High School library, and commits itself to a review of space, book, and staffing standards for all School District libraries.

22. NON-ACADEMIC STUDENTS

Students with non-academic majors should be allowed and encouraged to take academic courses.

Staff response to this request

It is difficult to generalize in this area. Counselors certainly are always advised to encourage youngsters to participate in courses which will challenge their learning potential. However, it must be stressed that extreme caution must be exercised in not counseling students into subject areas which are beyond their learning capabilities.

Board response to this request (motion adopted May 13, 1968)

That it is the policy of this Board that staff and counselors advise and encourage students to participate in courses that will challenge their learning potential, and an effort will be made to increase and improve all counseling services in the School District.

23. NON-ENGLISH SPEAKING

Teachers of the non-English speaking should have adequate knowledge of Spanish.

Staff response to this request

Staff is in complete agreement with this request. Elementary school teachers of the non-English-speaking do, in most cases, have an adequate knowledge of Spanish or the mother-tongue of the children in the class. In those cases where this is not so, teachers have been selected on the basis of their interest in the program, their understanding of the relationship with pupils of Mexican-American background and have received intensive training in contrastive analysis of English and Spanish.

In the secondary program for non-English speaking and foreign students, every endeavor is being made to increase the number of bilingual teachers. Currently, 46 percent of the total teachers in the program in Area B are fluent in Spanish to the extent that they speak, read, and write the language. In-service training classes described earlier in this report provide additional opportunities for teachers to improve their competency in Spanish.

Board response to this request (motion adopted May 13, 1968)

That the question be interpreted to read as follows:

"Teachers of the non-English, Spanish-speaking students should have adequate knowledge of Spanish."

(Note: It was understood that the staff response to this item, as interpreted by the motion, was endorsed by the Board.)

24. OPEN CAMPUS

All high school campuses should be open. Fences should be removed. The Board of Education should publicize the reasons for closed campus policies.

Staff response to this request

Open campuses have been tried at various times with unsatisfactory results in a number of Los Angeles secondary schools. Reactions from neighboring residents and business people have indicated that student conduct—regardless of the geographic area—leads to a number of serious problems. Additionally, the State Education Code places the responsibility for the protection of pupils with the district. Staff of each school, in fact, assumes the responsibility of parents while students are under the control of the school. Because of this, fencing of campuses is regarded as an essential part of pupil protection in order to keep non-students off school campuses. Additionally, fences are regarded as essential for the protection of staff and physical property. Without some means of controlling campus entrances, it would be difficult to prevent unauthorized personnel from entering campuses and buildings or to provide the security deemed essential.

Board response to this request (motion adopted May 13, 1968)

That the Board concurs in the philosophy expressed in the staff response to this item and indicates its willingness to receive from the Superintendent recommendations for variations in this policy in individual shcool situations.

25. PREJUDICE

Procedures should be established in the district for the removal of any teacher or administrator who has shown prejudice toward students.

Staff response to this request

It is to be emphasized that the district will not condone any acts of prejudice towards pupils, employees, or parents. One of the prime objectives of the school is to improve inter-personal and inter-cultural relationships among students, teachers, other staff and the community.

Many student and faculty human relations committees and workshops are organized and active in working on problems related to the improvement of understanding and the removal of prejudice.

Well established Board of Education rules provide communications channels to air grievances relating to prejudice. It appears more appropriate to work towards the elimination of acts of prejudice which might occur by working towards greater understandinng, rather than to compound negative attitudes by arbitrary removal of staff as suggested in this request.

Board response to this request (motion adopted June 24, 1968)

That the policy of the Board of Education with regard to Item No. 25, Prejudice, be established as follows:

It is to be emphasized that the District will not condone any acts of prejudice towards pupils, employees, or parents. One of the prime objectives of the school is to improve inter-personal and inter-cultural relationships among students, teachers, other staff and the community.

It is the view of the Board that it is an unprofessional act for a school employee to show prejudice, and the Superintendent is instructed to direct staff to refrain from statements or acts that express prejudice or racism in their capacity as school employees.

Many student and faculty human relations committees and workshops are organized and active in working on problems related to the improvement of understanding and the removal of prejudice.

Well established Board of Education rules provide communications channels to air grievances relating to prejudice.

26. READING

A concerted, concentrated reading program in the regular classroom as well as in the remedial classes which is not committed to any one method but which is, rather, innovative and selective in its application to individuals must be initiated. These programs should be constantly and meaningfully evaluated by personnel outside the program and the school should take the initiative in making the community aware of the progress or lack of progress and of any problems involved that might hinder the learning or teaching of reading. Corollary to the improvement in the teaching of reading is a general upgrading of the regular English program. Extend the Miller-Unruh Specialists to East Los Angeles. Expand the SAC (Student Achievement Centers) Program. Initiate a Reading Tutorial Program.

Staff response to this request

Staff is in complete agreement with the objectives of this request. Programs to improve reading at all levels of the school district are essentially those described here. It needs to be pointed out that all of these programs are costly and require intensive training of personnel.

A great variety of specialized reading programs are conducted in elementary and secondary schools in East Los Angeles. The following are but some aspects of the program:

a. A total of 92 special reading teachers assigned to 50 schools in the East area. It is planned to increase this number in 1968-69.

b. Special books, equipment and materials of instruction have been provided to all schools.

c. All elementary schools in the East area have a library with a class "A" book collection. (A class "A" book collection is the standard book collection provided to all elementary schools.)

d. Specialized reading programs in secondary schools began several years ago and include the federally funded Student Achievement Centers in five junior high schools and three senior high schools.

e. In addition to the Student Achievement Centers program, basic reading and reading improvement classes are also conducted in these schools.

f. Long range plans include requests for reading laboratories in all secondary schools.

Board response to this request (motion adopted June 24, 1968)

That the Board of Education adopt the staff response to this item as an acceptable statement of its position.

27. RESTROOMS

Restrooms should remain open at all times during the regulation school day.

Staff response to this request

It is agreed that adequate restroom facilities should be available to pupils throughout the school day. Instances where restrooms have been closed were usually occasioned by pupil misconduct (smoking, etc.) or malfunction of

plumbing. Principals have been requested to review procedures in this regard and to insure that adequate restrooms to meet health and legal provisions are open at all times. It may be necessary to provide more adult supervision, possibly by para-professional employees or volunteers.

Board response to this request (motion to adopted response, as amended, June 24, 1968)

It is agreed that adequate restroom facilities should be available to pupils throughout the school day. Instances where restrooms have been closed were usually occasioned by pupil misconduct (smoking, etc.) or malfunction of plumbing. Principals have been requested to review procedures in this regard and to insure that adequate restrooms to meet health and legal provisions are open at all times. A restroom shall not be closed as a purely punitive measure due to the conduct of individuals. It may be necessary to provide more adult supervision, possibly by para-professional employees or volunteers.

28. R.O.T.C.

R.O.T.C. funds should be placed at school disposal for other use.

Staff response to this request

Little if any savings of money would be realized by this proposal. While it is true that the district now pays a share of the salaries of R.O.T.C. personnel, elimination of this program would make it necessary to place students into regular physical education classes. Further, elimination of the R.O.T.C. program would eliminate an elective course which is highly popular with many young men in East Los Angeles schools.

Board response to this request (motion adopted June 24, 1968)

That the Superintendent be invited to reexamine the response offered to Item No. 28 and to resubmit a response for Board consideration.

29. STUDENT OFFICES

Student body offices shall be open to all students. A high grade point average shall not be considered as a pre-requisite to eligibility.

Staff response to this request

Qualifications for student body offices are a matter of local school determination. These qualifications are, as a rule, set forth in the student body constitution and may be changed by the student body through the regular provisions for making such changes.

It should be pointed out that one of the reasons for establishing grade point average requirements has been to protect the student who has low marks and is having difficulty in keeping up in his subjects. It is felt that this student should not take on additional work and responsibility.

Board response to this request (motion adopted May 23 1968)

That the Board endorses the staff response to this item.

30. SUSPENSIONS

Student suspensions should be in written form so that students and parents are properly informed as to the reasons for and duration of the suspensions. The community, the administration, and the teachers should be in substantial agreement concerning the rules governing student suspensions. Student suspension forms should be written in English and Spanish so that the parent will have no misgivings as to the cause for the suspension.

Staff response to this request

It is agreed that suspensions should be in written form, and this is present policy. In addition, a phone call to the parent is made whenever possible.

Causes for suspension are based upon State code and Board of Education regulations, but they should be understood by students, parents, and the community.

The suggestion to develop suspension notifications in Spanish, where applicable, is a good one and will be recommended to schools.

Board response to this request (motion adopted July 8, 1968)

That this item be referred to the Personnel and Schools Committee.

31. SWIMMING POOLS

Swimming pools should be provided for the high schools in East Los Angeles.

Staff response to this request

Swimming pools are not provided by the district for any school. Where pools are presently operated on high school locations, they have been constructed by other municipal or governmental agencies. This request should be directed at appropriate recreational agencies, rather than the schools.

Board response to this request (motion adopted July 8, 1968)

That this matter be referred to the Building Committee for study and recommendation.

32. TEACHER AIDES

Community parents should be engaged as teacher's aides. Orientation similar to in-service training should be provided, and they will be given status as semi-professional as in the new careers concept.

Staff response to this request

Staff is in complete agreement with this request. More than 300 parents and other adults are already employed in East Los Angeles schools in this capacity and plans call for a major expansion of this program as soon as funds are available.

Board response to this request (motion adopted May 23, 1968)

That the Board endorses the staff response to this item.

33. TEACHER DISCIPLINE

No teacher should be dismissed or transferred because of his political views and/or philosophical disagreements with administrators.

Staff response to this request

It is agreed that no teacher should be dismissed, transferred, or have his status affected in any way because of his political views and/or his philosophical disagreements with administrators.

However, it is contrary to Board policy for a teacher to air and espouse his personal views in the classroom or with pupil groups on campus. No teacher has the right to encourage students to violate school rules and regulations.

Board response to this request (amendment of staff response and adoption of staff response as amended, July 8, 1968)

It is agreed that no teacher should be dismissed, transferred, or have his status affected in any way because of his political views and/or his philosophical disagreements with administrators.

However, it is contrary to Board policy for a teacher to air and espouse his personal views and/or his philosophical views when these would compromise the discharge of his professional obligation in the classroom or on campus.

34. TEACHERS—MEXICAN AMERICANS

The Board of Education should do everything possible to alleviate the shortage of teachers and administrators of Mexican descent at all levels of education. The Board should see to it that more college instructors of Mexican descent are hired at East Los Angeles Junior College. Increased efforts should be made to recruit male minority teachers.

Staff response to this request

Staff is keenly aware of the need to recruit teachers of Spanish surname descent for positions throughout the District. Aggressive efforts are being utilized to encourage these teachers to acquire the necessary credentials and prepare themselves for higher administrative positions.

Presently there is an aggressive program being conducted to recruit teachers of Mexican-American descent in colleges and universities throughout the United States. Additionally, an administrative intern training program for teachers from minority groups described earlier provides opportunities for upgrading of minority group personnel.

Another attempt to increase the number of teachers of Spanish surname descent in the schools is a long range program calling for identification of students as early as the junior high school years and encouraging them to enter teaching as a career, cooperative programs with local teacher training institutions, and increasing scholarships and college administration opportunities now being offered to Spanish surname students.

Board response to this request (motion adopted July 8, 1968)

That the staff response be adopted.

35. TEACHER TRAINING

All teachers should have meaningful and continuing in-service training to orientate them to problems and values of the Greater East Los Angeles community, and to increase their understanding of the phonetic structure of the Spanish language as well as of the history, traditions, and contributions of the minority cultures. Teachers should receive professional compensation for these added skills.

Staff response to this request

Staff is in complete agreement with this recommendation. Earlier sections of this report indicate a cross section of projects underway to meet this objective.

Board response to this request (amendment of staff response and adoption of staff response, as amended, July 15, 1968)

Staff is in complete agreement with this recommendation, with the understanding that the words "professional compensation," as used in the demand, are taken to mean professional compensation for in-service training efforts undertaken to acquire these added skills. Further, the Board also recognizes the value of teacher bilingual skills and has the question of appropriate compensation for such skills under study in the Personnel and Schools Committee. Earlier sections of this report indicate a cross section of projects under way to meet this objective; and staff is directed to urge the University of California, the state colleges, and private institutions to offer courses that pre-service and credentialed teachers and staff may take to enhance their ability to teach all of our students.

36. VOCATIONAL EDUCATION

The Industrial Arts program must be revitalized. Students need proper training to use the machinery of modern-day industry. Up-to-date equipment and new operational techniques must replace the obsolescent machines and outmoded training methods currently being employed in this program. If this high standard cannot be met, the Industrial Arts program will be de-emphasized.

Staff response to this request

The objective of the Industrial Arts program is to prepare young men and women for entry level jobs in industrial occupations.

Curriculum for this program has been worked out in cooperation with advisory committees, many of which include Mexican-American members representing labor and management. It is to be recognized that more up-to-date facilities are needed in all schools and a continual program is underway to modernize facilities at individual schools.

Follow-up studies of students who have been placed on jobs do not indicate that there are inadequacies in their training because of obsolete equipment or methods.

A particularly strong point about the Industrial Arts program is Saturday skills classes held in shops of schools in East Los Angeles. Industry representatives familiar with these programs are complimentary about the facilities and scope of the program.

Board response to this request (motion adopted July 15, 1968)

That the staff response be adopted.

(Note: Based on information presented to the Board from the staff, it was agreed that the terminology in the above should be Industrial Education rather than Industrial Arts.)

Mr. MORENO. The walkouts occurred in March 1968. What has happened since then? Over 2 years later.

1. A few weeks ago two additional Mexican American administrators were selected for one high school and one elementary school. Big deal.

2. Individual principals or faculties have tried to teach conversational Spanish to each other.

3. There are less bilingual classes now than before March 1968. In fact, there are more offerings in the suburban schools on Mexican history than in the predominantly Mexican American high schools.

4. Without bond issues passing there have been no funds for buildings.

5. There has been an increase in food services of enchiladas, burritos, and tacos on school menus. [Laughter.]

6. With increased numbers in attendance and with additional claims on the local tax dollar, class size is a utopian demand.

7. Counselors have not been increased—on the contrary.

Yes, vocational education has been improved. Funds have been spent for textbooks on the history and culture of the Mexican American. But, the student leaders of the walkouts have been under indictment for conspiracy—indicted not by the school district, but by a grand jury. They were acquitted 4 weeks ago, but now another agency of law enforcement is bringing charges. I could go on and outline what has happened in each of the 36 demands.

Gentlemen, when the students walk out to dramatize the inadequate schools and services, they are charged with conspiracies, with felonies. Any teacher involved is charged with a felony. Perhaps school boards and State boards should be charged with conspiracy, of knowingly and willingly providing inferior educational opportunities to the citizens of this Nation.

In the last few minutes I have tried to underscore the need: (1) To loosen up ESEA title VII legislation and guidelines; (2) To reaffirm the philosophy of community development; and (3) To highlight the need for aggressive leadership from this administration.

That is leadership from this administration and this Congress, which seems to be very much lacking.

PREPARED STATEMENT OF EDWARD V. MORENO, LOS ANGELES CITY SCHOOLS, SAN FERNANDO VALLEY STATE COLLEGE

Once again a subcommittee is seeking improvement in the educational opportunities directed at Mexican American children. Little can be added after the comprehensive hearings of the 90th Congress on Bilingual Education—both the Senate and House hearings. The comprehensive suggestions, concepts, recommendations and models presented at the Cabinet Committee Hearings on Mexican American Affairs in El Paso, Texas, October 26–28, 1967, have seen set aside by this administration. Therefore, all I can do is to update the information and again focus on those areas that might be improved through legislative action.

My experiences 1. as a secondary and adult teacher the last two decades. 2. as a county consultant. 3. as the administrative secretary to an innovative vehicle for change, the Mexican American Education Commission of the Los Angeles City Schools. 4. as an associate director of federal training programs, 5. as state-

wide president of the Association of Mexican American Educators, and 6. now as a member of the Mexican American Studies program at San Fernando Valley State College, lead me to focus on four priority areas:

Bilingual education
School administrators
Integration
Student walkouts

After being involved since 1966 in promoting bilingual/bicultural education . . . it is very frustrating to read guidelines and to witness practices that impose constraints on ESEA Title VII through excessive concern with internal evaluations, educational audits, monitoring designs, etc. ESEA Title VII Bilingual Directors have urged me to do whatever I can to generate actions that would loosen the guidelines for Title VII . . . to the intent of the original legislation. It appears that priorities of individuals in the Office of Education are preventing conditions that would allow districts to structure their programs for maximum services to the children they purport to serve.

Specifically:

1. The evaluation constraints are forcing districts to turn their programs into English as a Second Language instead of developing bilingual/bicultural programs. There are materials for ESL programs, there are pre and post tests, and there are ways of gathering hard data. Thus, if districts are using Title VII funds for English as a Second Language programs, who needs federal legislation? Bilingual/bicultural programs must include those needs as determined by the participants and those needs for better fostering understanding among all community members . . . as the intent of the legislation spelled out.

2. All districts have difficulty finding bilingual/bicultural teachers who can switch from one language to another as needed. Yet, how many programs are using those students, parents, and other persons living in the barrios as teachers, as instructors or as bilingual aides to instruct Mexican American children? Let Title VII train those barrio residents to become teachers. Title VII can legitimize the assets that these persons possess.

The intent of Title VII was to provide a vehicle for creative approaches to the education of specific populations. Yet the frustrations articulated by directors of bilingual programs indicate that another piece of far reaching legislation will be perverted to serve the interests of all but the children it was meant to serve. Another example of Office of Education misplaced priorities is the allocation of $500,000 to two linguists from *Miami* to develop a model bilingual program. Why not support and replicate the six year program at Laredo, Texas, which is being used as a model by many proposals anyway?

It appears that few children and few districts where Title VII is being utilized will benefit from any creative structural change as a result of a bilingual/bicultural program.

The next topic integration seems logical at this time. Integration of poor black with poor brown or even a few poor whites is not benefiting any group or this nation. It is the socio-economic integration of all children that is the long range goal that many are working toward. As stated in the Point of View in the Education of Mexican American children presented by the Association of Mexican American Educators, the first phase of any integration program must include an integrated curriculum for all the children K–12 in all districts.

What end is served by having Mexican American children sitting with poor blacks or poor whites reading about the myths of Davy Crockett and not reading about the exploits of frontiersmen throughout the Southwest 200 years before Davy Crockett was born? What purpose is served by busing Mexican American children to schools in the San Fernando Valley . . . the suburbia of Los Angeles, when the parents living there are writing letters to conservative legislators in California, and to the State Board of Education demanding that a picture of Cesar Chavez and three small safe paragraphs about him be eliminated from a state textbook adoption?: Even the State Superintendent made it clear to members of the State Curriculum Commission that he did not want the picture in the text. Several senators in Sacramento have requested that the entire section on Cesar Chavez be taken out. All this is in light of State Board policy and legislative laws written into the Educational Code that minorities be presented in all state adoptions.

If we cannot even integrate texts in a state adoption, are there any federal strategies or legislation that can assist local districts who want to move forward? When Los Angeles City Schools were requested by court order to draw plans for desegregation, all kinds of support came to the aid of the district, even the Governor stated that he would prevent the busing of children. Yet, in nearby

Pasadena where plans and efforts have been made to desegregate, no one even recognized the tremendous effort mounted by Pasadena to desegregate. Who really cares about the best interests of this nation?

Under the topic of school administration there are a few thoughts I wish to share with you.

It is very repugnant to a barrio community to have administrators who have not identified with the community nor been sensitive to its needs suddenly appear as directors, specialists or evaluators of programs serving Mexican American children. Often district budget cuts will dictate the position of bilingual director. I am not bringing this issue as an issue of competency or qualification, but the issue is *community development*. How can we ever raise the sophistication of a community if we have imposed upon it—foreign imports—foreign to needs and sensitivities. Programs and proposals implemented in the barrios must have staffs that the barrio elects. This is not separation—nor an ethnic bag—but *community development*.

Another item that has to be reviewed is the allocation of funds based on identification of characteristics of people. By putting this monkey on the backs of poor blacks, browns, and whites we are institutionalizing poverty. Let us glance instead at the factors that prevent a school district or a school in providing a learning environment for children to learn in.

1. How many substitute teachers does that school have?
2. How old are the buildings?
3. Does the community have a role in the selection of the school's staff?
4. Are the needs, nutritional, recreational, medical, plus educational, that the school is trying to fulfill twice that of a suburban school?
5. What are the needs of its school community—sidewalks, lights, parks, etc.?
6. What kind of local tax base does the district have?

The point is that the schools and school districts need compensating. They are the ones that need to be assisted, changed or closed down. The monkey is on the schools to provide the services—and not on the children to be prepared to function in a disfunctional system. Compensatory education has to be assigned to disadvantaged schools or districts and not to children.

Federal legislation can be aimed at encouraging districts to utilize Planning, Programming, Budgeting Systems. El Monte School Districts can easily allocate resources and funds to priority programs. (I request that this exhibit be included in the record.) PPBS provides its community with a visual summary of where its money is being spent. Believe me, the first item that barrio people ask to see is the budget of a school or a program. They know that the budget reflects policy and political priorities.

In addition, an analysis of cost per unit of ADA—average daily attendance—could be legislatively demanded. (I request that this exhibit be included in the record.) A cursory glance at an analysis done by the L. A. City Schools allows community people to begin to raise questions such as:

1. How was the additional dollars per ADA spent?
2. Was the expenditure effective?
3. How many *real* children were involved in each school?
4. Who determined how the money should be spent?
5. What difference would it make if the funds were increased or decreased?

In summary, I have tried to indicate that federal legislation must give ammunition to barrio and ghetto communities so that they, at a local level, can bring about the necessary pressures. Moreover, federal legislation must have written into it the philosophy of community development—of community self-help.

My last topic is the one that concerns me the most. It concerns me because adult leadership has not been taken. Naively, I expected even bureaucratic leadership. Certainly, we need not wait for students to walk out to tell us what has to be done. There is nothing new in what the student demands have outlined. (I request that this exhibit be included in the record.)

The walkouts occurred in March 1968. What has happened since then? Over two years later.

1. A few weeks ago two additional Mexican American administrators were selected for one high school and one elementary school.
2. Individual principals or faculties have tried to teach conversational Spanish to each other.
3. There are less bilingual classes now than before March 1968. In fact, there are more offerings in the suburban schools on Mexican history than in the predominately Mexican American high schools.
4. Without bond issues passing there have been no funds for buildings.

5. There has been an increase in food services of enchiladas, burritos and tacos on school menus.

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Yes, vocational education has been improved. Funds have been spent for textbooks on the history and culture of the Mexican American. But, the student leaders of the walkouts have been under indictment for conspiracy—indicted not by the school district but by a grand jury. They were acquitted four weeks ago, but now another agency of law enforcement is bringing charges. I could go on and outline what has happened in each of the 36 demands.

Gentlemen—when the students walk out to dramatize the inadequate schools and services—they are charged with conspiracies—with felonies. Any teacher involved is charged with a felony. Perhaps school boards and state boards should be charged with conspiracy—of knowingly and willingly providing inferior educational opportunities to the citizens of this nation?

In the last few minutes I have tried to underscore the need:

1. To loosen up ESEA Title VII legislation and guidelines;
2. To re-affirm the philosophy of community development; and
3. To highlight the need for aggressive leadership from this administration.

Senator MONDALE. Thank you for your fine testimony. Are you familiar with the Los Angeles school system?

Mr. MORENO. I worked there 15 years.

MEXICAN AMERICANS: LOS ANGELES

Senator MONDALE. Can you tell me what percentage of the children were in the schools and what percentage were Mexican Americans?

Mr. MORENO. Twenty percent are Mexican Americans, and 21 percent are black. We have Garfield High School which is about 99 percent Mexican, with the exception of some Japanese, and then we have Roosevelt, which is predominantly Mexican American, though some black, and Lincoln High School, a large population of oriental, and some Mexican American.

San Fernando in the valley has 40 percent of its student body that are Mexican American.

COMPLIANCE: LOS ANGELES

An interesting fact is, talking about integration, there are Mexican Americans in every one of the elementary schools in Los Angeles City. Five hundred and something elementary schools—except one. There are all ranges, 1 percent, 2 percent, 5 percent, so if integration is working, I think it would be to somebody's best interests to develop a proposal to find out how well are these children doing, where they are only 2 percent in the high income, you know, elementary school, or the low-income elementary school, or where they are 10 percent.

We have every conceivable range. I did a personal study to find this out.

Senator MONDALE. That is the school board has done that?

Mr. MORENO. No.

Senator MONDALE. They haven't. What is your guess?

Mr. MORENO. Why they haven't done it?

EFFECTS OF INTEGRATION

Senator MONDALE. No, what is your guess as to how well they are doing.

Mr. MORENO. This was done by UCLA. A gentleman, whose name I forgot, did a study of secondary schools to check the aspirations and expectations of the Los Angeles city schools I am talking about now. They discovered that the longer the Mexican-American is in the city school system, the more Anglosized he becomes, and the more similar he becomes to the population of that school. His aspirations and expectations are just as high as the Anglo with respect to completing high school—not the actual completion, but he aspires to complete. He visualizes completing high school and junior college. The Anglo population can see themselves aspiring at completing graduate school, in contrast, the Mexican American does not.

In the sample they took, they found out Mexican Americans in, we will say, "better" schools, were not doing any better, and were shoved into vocational programs, nonacademic programs, and so forth, even though they were the same economic level as the rest of the student body, a middle class level.

There is something else operating there.

Senator MONDALE. Yes. You said in your testimony that you didn't think it did any good to put poor children together.

Mr. MORENO. They are already together.

VOLUNTARY MODELS: PASADENA AND RIVERSIDE

Senator MONDALE. The objective ought to be social and economic integration, so that a disadvantaged child could go to school with advantaged children. Are there any school systems in Los Angeles, or schools, where you think this is happening?

Mr. MORENO. I happen to know all of the ones that are not doing it. Pasadena has the only district which has taken the community, black, brown, white, the initiative, and they have been at it for 5 or 6 years. They got rid of one of their superintendents, and they have been at it for a long time to try to bring integration about, integration of equals, not of unequals. I want to emphasize that.

Senator MONDALE. Are you familiar with what the result of that integration project has been?

Mr. MORENO. Yes, it is a beautiful plan, and to summarize it, they are kind of developing educational complexes with existing facilities. They are taking the worst school, the older school, the dilapidated school and making it the district office. That was the school the blacks went to. They have some property on Pasadena Avenue, one of the main thoroughfares there, that has a high assessed valuation. They are selling that to raise funds to build a better school now, for everybody.

Senator MONDALE. Where is Riverside?

Mr. MORENO. That is south of Los Angeles. It is quite a few miles away.

Senator MONDALE. Do they have a program of integration there?

Mr. MORENO. They have a program that is very interesting, because I think through one way or the other one of the schools was

burnt, and by burning the school down pretty completely, you had to integrate. [Laughter.]

Let me share this with you off the cuff here. In Riverside, I happen to know the principal of one of the elementary schools who was involved in the integration program, and we were sharing ideas together. There was a small area, the schools were close, and all the blacks are here, the browns are here, and the others are over here.

We talked about some of the processes. Well, eventually the majority Anglo community accepted those few blacks in their schools, and they were not really hung up on those few browns coming over to their schools, but it was learned that poor whites were going to move into the middle-class high school, poor whites can marry your rich daughter, but they weren't afraid of poor blacks marrying their daughters, or poor browns, but it was interesting that the informal network of that community was really shook up because the poor whites were moving in.

So, I think we have here not only color boundaries or color problems, but I think we have a problem of economics, and I think the class struggle, I think, not only in this community but in others, is very eminent.

CLASS VERSUS RACE

Going back to something said earlier, there is very little difficulty in Los Angeles when people from Latin America, or from Mexico, come to our schools, who are upper class, middle class, you know, they have some money. And they own land in better areas, and there is no trouble. The school system makes an adjustment to their "language problem" in this class and that class.

But it is when you are talking about poor browns and poor Mexicans and poor whites that the stuff hits the fan. [Laughter.]

This is something we have to keep in mind, but it would be interesting to see what happens in California: Will the publisher not submit his book, or will the publisher succumb to the monies he might make and say, "Okay, I believe in integration."

Senator MONDALE. Chavez is now nonpartisan, isn't he? I saw a big grower saying that he and Chavez were working together for a better life.

Mr. MORENO. Yes. That is in front of TV. [Laughter.]

Senator MONDALE. Dr. Cardenas, can you proceed.

Dr. CARDENAS. I have prepared testimony that I would like to present for the record, and I have exhibits, too.

Senator MONDALE. All right.

BILINGUAL EDUCATION: TEACHERS AND SCHOOL ADMINISTRATION

Dr. CARDENAS. In addition to some of the comments already made about the Office of Education bilingual program, I would like to note that the director is a Mexican American, but the rest of the program has no other Mexican American in it, and as a superintendent of schools implementing the bilingual educational programs, I take exception to having this program evaluated by a person who does not speak Spanish. This took place this last year.

Senator MONDALE. Do you find that often non-Spanish-speaking people come in and evaluate your program?

Dr. CARDENAS. Yes, and unless they add staff, this is going to be the case again this year.

We have school districts in Texas, for instance, this past year I noticed that the Alamo Heights Independent School District in San Antonio, Tex. was funded for $150,000 for a bilingual program at the kindergarten level. Yet, I also note that for the new kindergarten program which is being implemented in Texas, there is a requirement that 26 Spanish-speaking students be recruited in order to afford one teacher unit.

This same school district received $150,000 for the implementation of a bilingual program, and had to combine students with another school district in order to be eligible to receive one class room teacher unit for the non-English-speaking students at the kindergarten level, which means that less than 26 students are receiving a bilingual program of $150,000, while the other school district, with some 20,000 Spanish-speaking students is receiving a similar amount.

Senator MONDALE. So that you get $150,000 for a school system that has how many Mexican Americans?

Dr. CARDENAS. Twenty-two thousand.

Senator MONDALE. And another school district that had to bring in outsiders in order to get 26 students got $150,000.

Dr. CARDENAS. That is right, sir.

Senator MONDALE. Are they Cubans?

Dr. CARDENAS. I think that substantiates what Mr. Moreno said, that it is being used, the program is being used, as a method of teaching foreign languages at the elementary level.

Senator MONDALE. They tell me that school district is the only one in San Antonio that carried Nixon in the last election.

Dr. CARDENAS. I am not aware of that.

Like Cesar Chavez, I am not partisan.

I would like to mention, also, that the U.S. Office of Education has funded a center for the evaluation and dissemination of bilingual instruction materials in the Fort Worth area, and I have no opposition to this area being funded for this program, except that it has not been notable for any efforts in bilingual education in the past.

Again, the reason given for this is that they were very cooperative in the development of an evaluation program in a previous program that had been implemented.

I would like to mention, also, that some members of the U.S. Office of Education and concerned Mexican Americans and Puerto Ricans have been meeting with the Hearst Corp. and Foundation for the development of bilingual materials. Randolph Hearst is interested in this area. It had been agreed by the foundation that $750,000 would be made available as a grant for the development of instructional materials.

The director of title VII contacted the Hearst Foundation and gave it assurances that the allocation of three-quarters of a million dollars for this purpose was a duplication of effort and a waste of money, because the U.S. Office of Education is doing it all in its curriculum development center in Dade County, Fla., so we have not been able to proceed with the allocation of these funds from the foundation.

Senator MONDALE. Is this effort in Dade County going to be the national producing center for the bilingual programs?

Dr. CARDENAS. That is right, sir.

Senator MONDALE. Are there any Mexican Americans in control of that program.

Mr. CARDENAS. No, sir, there are none in control, and since the administrative staff has already been selected, there will be none. No Mexican Americans have been employed, as far as I know as of this date. The Office of Education states they will employ some Mexican Americans in this area. I just don't feel where the cultural characteristics, the poverty characteristics can be incorporated in one curriculum effort in this country.

Senator MONDALE. As a matter of fact, you know, there is a lot of bitter history connected with those textbooks. Outsiders have prepared such materials for years in the Indian area. The Indian kids won't have anything to do with the textbooks. They recognize them as phoney.

The Thompson series that was developed in the late 1930's and early 1940's proved to be absolutely useless, as I am told, because it was written and prepared by an outsider who didn't understand the culture, and very little of the language.

Dr. CARDENAS. Senator, the use of outsiders for the development of bilingual materials, and the use of persons from universities who speak nonregional Spanish has led to what I call the implementation of trilingual education programs.

Senator MONDALE. Trilingual?

Dr. CARDENAS. Yes. [Laughter.]

The program is in two languages, textbook Spanish and English, while the vernacular is being ignored.

I would like to focus on San Antonio, to illustrate the problem that we are facing and the inadequacy of the present programs.

I have slides here that I prepared for presentation.

SCHOOL RESOURCES: SAN ANTONIO

Senator MONDALE. Maybe we could cut the lights off.

Dr. CARDENAS. Senator, while we have these technical difficulties, we are prepared to do without the machine. This school district is located in the west side of San Antonio. It is predominantly Mexican American. It has about 3½ percent black, and 3½ percent white. It is also the poorest school district in Bexar County.

It has a dropout rate in excess of 50 percent. It had last year over 52 percent of the teachers teaching without certificates or——

Senator MONDALE. Over 50 percent?

Dr. CARDENAS. Over 52 percent of the teachers in the school system last year were noncertificated. It has the lowest number of library books of any school district in Bexar County. It has reached the statutory limit on indebtedness.

We were talking about medical schools. In the history of this school district, no graduate has even enrolled in a medical or dental school.

Senator MONDALE. Would you repeat that.

Dr. CARDENAS. In the history of the Edgewood School District, no graduate has ever enrolled in a medical or dental school.

Senator MONDALE. This is another outrage.

Dr. CARDENAS. I am aware of this problem, and we have worked out an agreement with the University of Texas Medical School so that students from the medical school would be working in the Edgewood schools trying to identify students for medical careers. I was also planning to send some students from the school district to the medical school in order to create an interest in health careers, and eventually for the medical-dental field.

TITLE I—GUIDELINES

However, the present administrative guidelines for the implementation of the Federal programs will prohibit the implementation of this program.

I have an exhibit that I would like to present that I think illustrates the futility of trying to rely on Federal funds for assistance in the implementation of programs for disadvantaged populations. It is entitled "Appendix D" and it is actually——

Senator MONDALE. That will be included in the record, but maybe you can analyze it for us briefly.

(The information referred to follows:)

APPENDIX D

Attendance areas, low-income incidence, and number of children expected to participate

List all campuses in rank order per column 6	Campus level: (elementary junior high, high school, special education, other, specify)	Total number of children enrolled on each campus listed in col. (1)	Number of children in attendance areas			Estimated number of children who will participate in activities at campuses listed in col (1)			
			total	From low-income families [1]	Percent (cols. 5÷4)	From public schools	From nonpublic schools	Total (cols. 7+8)	
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	
Callaghan	Elementary	253	256	239	93.36				
Emma Frey	"	988	1,013	941	92.89				
Coronado	"	767	808	593	73.39				Schools to be served by title I in fiscal year 70–71.
Las Palmas	"	828	859	623	72.53				
H. K. Williams	"	647	689	492	71.41				
Burleson	"	594	640	438	68.44				
Lincoln	"	507	521	339	65.07				
L. B. Johnson	"	416	441	280	63.49				
Edgewood	"	949	999	604	60.46				
Cenizo Park	"	761	859	503	58.56				
Roosevelt	"	654	718	418	58.22				
Gardendale	"	1,158	1,220	658	53.93				
Stafford	"	1,024	1,079	565	52.36				
H. B. Gonzalez	"	391	413	181	43.83				Total low-income population 8,085, ineligible for assistance under title I guidelines.
Escobar	Junior high	1,178	1,648	680	41.26				
Truman	"	1,014	1,323	519	39.23				
Winston	Elementary	360	888	305	34.35				
Edgwood	Junior high	883	1,159	396	34.17				
Brentwood	"	538	576	195	33.85				
Do	Elementary	860	900	281	31.22				
Loma Park	"	1,258	1,449	452	31.19				
Memorial	High school	1,364	1,774	469	26.44				
J. F. Kennedy	"	1,849	2,524	605	23.97				
Edgewood	"	1,838	2,943	553	18.79				
E. T. Wrenn	Junior high	508	627	82	13.08				
Total		22,087	26,296	11,411	[2] 43.39				

If cooperation, give name and address of fiscal agent.

[1] Note: The number of children from low-income families should be based on auditable data.

[2] District wide percentage from low-income families.

Total allocation: 3,124.

Dr. CARDENAS. Yes. This list includes 17 elementary schools, five junior high schools, and three 4-year high schools.

Now, under the guidelines of title I, last year only campuses with more children than the average percentage for the school district as a whole, or campuses with more disadvantaged children than the average number of disadvantaged kids for schools in the district were allowed to participate in these compensatory educational experiences.

This means that least year, since the average number of disadvantaged, and we are using very conservative criteria for the identification of disadvantaged, in this case families with less than $2,600 a year income, we have 43.39 percent being classified under this criteria as being disadvantaged.

Now, if we draw a line right under the 43.93 percent, right after the Gonzales Elementary School, none of the other schools were allowed to participate in the title I program.

The new policies for 1970–71 make me even more concerned. There is more concentration so that according to the new guidelines all economically disadvantaged children are served in schools with the highest percentage of disadvantaged kids.

As a result, only six schools out of 25 will participate in the title I program. This means we will take the top six schools in the list through Burleson Elementary School for participation.

The next school, Lincoln Elementary School, with 339 children from families of less than $2,600 a year, or 65 percent of the school population, will not be able to participate in title I activities.

We can go further down and look at Edgewood Elementary School, with 64.46 percent of the school-age population in that campus who are disadvantaged. They will not participate.

We know that the high schools, Memorial, Kennedy, and Edgewood, at the bottom of the list, will not participate. The reason is that by this time so many of the children have dropped out of school that they don't have a sufficiently high percentage of disadvantaged students to be able to participate in title I programs.

As a result of this, we are being handicapped. Bilingual education depends on title I teacher aides, and following the regulations of the U.S. Office of Education where we have linked programs together, we cannot provide teacher aides in any but six of the schools listed there.

Early childhood education programs, which are being implemented under model cities grants, will not be able to utilize teacher aides in any but the six schools identified as target area schools.

Most of the programs we have, such as hot lunches, medical services, dental services, are being denied as a result of the title I guidelines which are being implemented.

To conclude, I would say that title I is really not an adequate program for providing compensatory educational experiences for the disadvantaged.

I think that the criteria being used for the distribution of title I funds is not enough. We list on this page 11,411 children who, with

incomes—or family incomes—of less than $2,600, get the total amount that is allowed. The allocation is 3,124.

So, actually, only 28 percent of the children that are in dire need participate in this program.

The third conclusion is that the U.S. Office of Education concentrates services to a small number of students on a small number of campuses eliminated many children.

As an example, we have children in Edgewood Elementary School with incomes of less than $1,500 a year, but since the concentration of disadvantaged children is not above the average for the school district, children from this school with incomes of $1,800 a year will not be able to participate.

The number of children that are being served by the title I program leads me to interpret the program as mere tokenism. And really not a comprehensive program for assisting disadvantaged children.

Recent efforts by the U.S. Office of Education to further concentrate services in schools in order to provide showcase schools really does nothing for the nonparticipating children in the impoverished school district.

A final point is that of concentration of services. The principle is that they should be implemented only in school districts with the highest concentration and the highest needs. More affluent school districts are thus receiving a large portion of funds for the disadvantaged, and the school districts such as Edgewood that have inadequate resources cannot participate.

I would like to make recommendations for legislation which I think would be helpful to solve this problem.

EARLY CHILDHOOD

First, I don't think the U.S. Office of Education or the Federal Government or the State governments are doing enough in the field of early childhood education. I think that the children are caught in a cumulative deficit phenomenon, and that many of the programs offer help when it is really too late to do much about the deprivation of poverty.

Senator MONDALE. I would like you to yield there, because one thing that has come out of these hearings is the appeal for early childhood programs. "Start earlier," we are constantly being told. By the time they go to public school, it is already too late to save these children, at least with the resources we now have.

Mr. MORENO. Senator, I think you have to keep something in mind. One, there has been a lack of any attention there so you are starting from scratch. You are adding money to something that was never there before. It looks like much, but it really isn't much.

Second, I think you have to ask yourself a question: Are you preparing students, 3-year-olds, or wherever you start, for a dysfunctional school system, or are you really bringing in a different philosophy and different instruction in early childhood education? It does

no good to pump a billion dollars into early childhood education if you are just getting them ready for public schools.

So, you have to ask how is the money going to be spent, and the question is, how are the first grade and second grade going to accommodate all this new learning. Assuming you do a good job here, they are going to have to restructure themselves. So, I don't think just to give money away for early childhood education is enough.

EARLY CHILDHOOD VERSUS SEGREGATION: EFFECTS

Dr. CARDENAS. I have another exhibit entitled "Early Childhood Education Evaluation." This was done in the Edgewood School District. Very modestly, I can say I have the best early childhood education program in the country. This program is funded by the Department of Housing and Urban Development, and they don't purport to know anything about the education of Mexican Americans. [Laughter.]

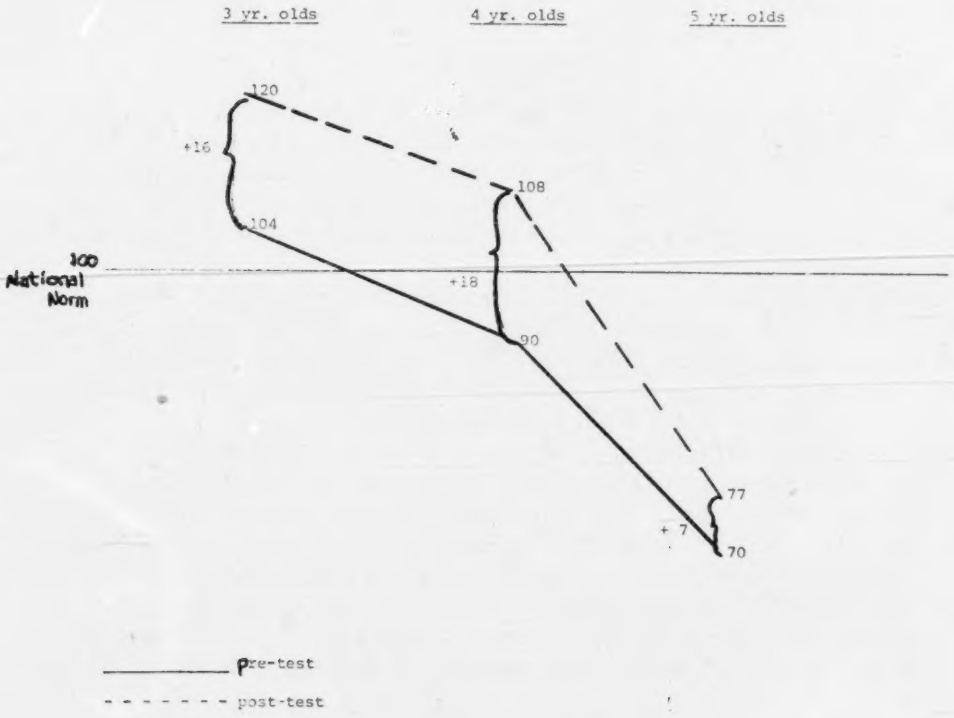
Senator MONDALE. What test is given these children?

Dr. CARDENAS. In this exhibit, the tests that were administered were based on the Leiter test. I do not purport that these are valid IQ scores.

(The exhibit referred to follows:)

EARLY CHILDHOOD EDUCATION EVALUATION

I.Q. scores based on Leiter administration:



Senator MONDALE. This test shows that 3-year-olds have a mean test score which is 16-percent higher than the national norm.

Dr. CARDENAS. Well, sir, the solid line indicates the pre-test scores. This indicates that the performance on the Leiter of the 3-year-old children had a mean of 104.

Now, assuming that the national average of intelligence is 100, these children scored above, but not significantly above the national norm.

Senator MONDALE. What does the "plus 16" mean there?

Dr. CARDENAS. Let me go to the next one, and then I will come back to the 16.

If we look to the right, the 90 indicates that the 4-year-old children on the same test scored an average IQ of 90 on the identical test.

The 5-year-olds were tested and produced an average IQ of 70, and I think that this line indicates what Bruner and many other child psychologists have been saying, that unless interventions are made early in a child's development, and he comes from a disadvantaged home, that you have a subsequent retardation of intellectual development. These scores do not indicate these children are mentally retarded.

They indicate that they are falling further behind in their intellectual development, as indicated by the age of 3 where they scored a mean of 104: by the age of 4 they scored a mean of 90; and at the age of 5, using a different test, they scored a mean of 70.

Senator MONDALE. If this is happening nationally, for whatever reason, our school system is taking generation after generation of children capable of doing good high school work and college work, and turning them into candidates for subnormal schools. This chart shows an IQ drop of 34 points in 2 years.

Am I correct?

Dr. CARDENAS. That is correct, sir.

Senator MONDALE. We had testimony from Hartford about IQ rates in the elementary schools dropping like a crowbar.

We had testimony from Dr. Schaeffer that they took 20 of the most disadvantaged black children they could find, at age one and a half, and, as accurately as they could tell, they had an IQ of 105, which is very close to what you have shown.

In 2 years, by helping them, they maintained that 105 IQ. They had a control group of 20 other black children who received no help at all, and they had slipped to an 85 IQ in a year and a half.

Those figures and your figures and the Hartford figures and others would indicate that there must be millions of children who for whatever reason, are just being driven right down to the point where they are being starved and malnourished for education just like other children, and frequently perhaps the same children, are being starved for food, and being maimed as a result.

Do you agree with that?

Dr. CARDENAS. Yes, I agree, and I go one step further, and say that like a person who is starved nutritionally, and after he completes his physical development, say at the age of 30, and you put him on a rich diet, he may grow outward, but not upward.

The same is true with children. If we implement programs after the development cycle has been completed, the child may have all kinds of experiences, but the level of intellectual functioning cannot go up. It is difficult to bring it back to the level at which it was functioning when this individual was 3 years old.

LANGUAGE AND CULTURE

Senator JAVITS. Do you lay this mainly in the case of Spanish-speaking children, at the door of the language barrier? You see, there may not be necessarily all that much similarity between the children of the black minority and children who have the language barrier. Would you enlighten us as to that? Senator Yarborough and I sponsored bilingual education legislation, and are very deeply concerned with it. The theory of that was that the main thing standing in the way of children in these families was not so much the poverty barrier, but the cultural barrier, or the language barrier.

In the case of black children, you had a whole complex of issues which involve citizenship not of the same class as that of other Americans. This is a deadening influence. The figures Senator Mondale cited are absolutely appalling.

So, tell us, if you can—it might be a lot easier to deal with the question of language. All American schooling ought to be reflective of our diverse cultural heritage. Our kids ought to learn a foreign language, as European children do, in primary school.

Dr. CARDENAS. Senator, I agree with you that the language incompatibility, mainly the incompatibility between the language which the child speaks and the language of the instructional program creates this type of deceleration in performance.

However, in this case, I think we are measuring more than anything else the effects of poverty, because all of these children in this chart were tested before starting school and were tested in their native language, and we still got this deceleration.

Now, studies on black children also show this decline in levels of intellectual functioning prior to entrance to school.

HOME ENVIRONMENT

Senator JAVITS. This is very importan[illegible] You would have us understand that the dominant depressa[illegible]verty.

Dr. CARDENAS. At this age level, ye[illegible]

Senator JAVITS. As a rule, it applies t[illegible]d white. The language barrier is not as yet at those ag[illegible]l issue, because it hasn't had time to catch up with these y[illegible] children.

Dr. CARDENAS. Yes. But when they go into a foreign language curriculum, the problem is further aggravated, as can be shown by later testing.

This is true also of the migrant problem. Many people attribute the problem of migrant children in school to mobility. This may be true, but I don't believe it. I have worked with children of military families who have high mobility, and mobility becomes an asset. For the disadvantaged child, mobility becomes a further disadvantage.

So, I think in both cases, for the migrant child, the combination of mobility with poverty are significant.

Senator MONDALE. In your chart, these children of poverty stricken families do test rather well at 2 years old, and then they slip.

Poverty is the key determinant. How is it that it hasn't struck them harder than it has at age 3?

Dr. CARDENAS. I think the reason for this is that most of the intellectual development starts taking place, say, at the age of 18 months, or a year and a half, and the child has not gone into an intensive intellectual development phase which takes place around the age of 2 or 3. This is the crucial period of intellectual development where stimulating experiences have to be presented to the children.

Senator MONDALE. That is why as concerns early childhood you can go into the worst part of the black ghetto a few blocks from here, and at age 1½ or 2 years, disadvantaged children will have pretty good test scores, the best you can evaluate it. Two years later they will have deteriorated in the pattern very similar to that which you have described in San Antonio.

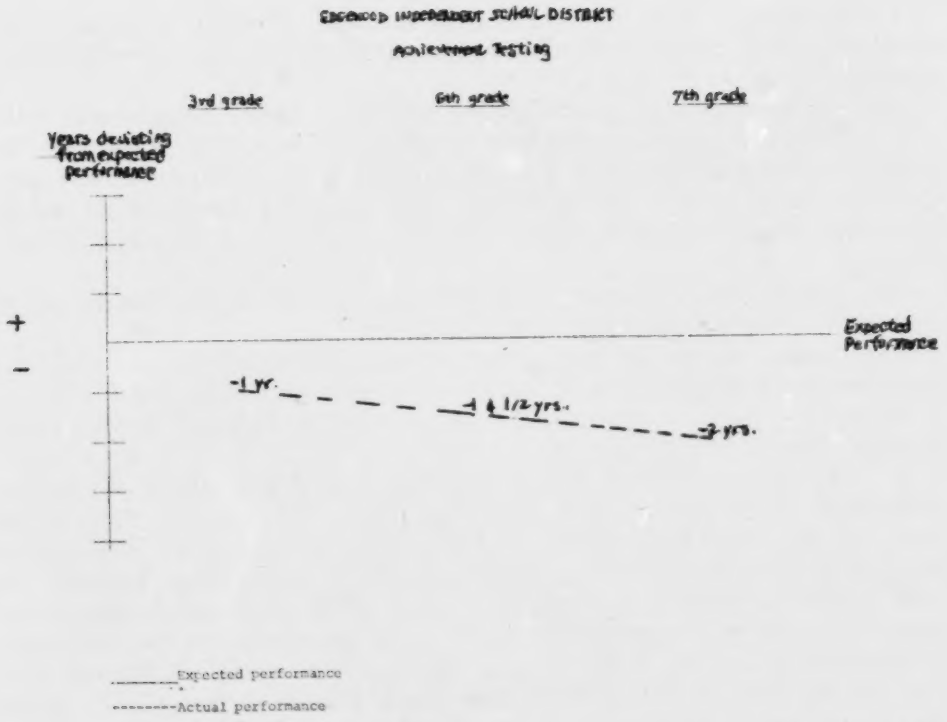
EARLY CHILDHOOD

Dr. CARDENAS. I agree with you, sir. Also, I would like to point out what Mr. Moreno has said, and that is if the experiences that are provided are not continued in the early childhood education, if it is a preparation for first grade rather than a stimulation of intellectual growth and the development of cognitive abilities, it really doesn't make any difference, and this is a big problem in our school district as well as others, that if the teachers at the first grade level have the same level of expectancy for these children that participated in this program as they have for the children that did not participate, you are going to lose all the head start, if you will, that has been made with these children.

EFFECTS OF SEGREGATION

Senator MONDALE. Let me ask you this. In the earlier chart which refers to testing performance levels at the sixth, seventh, and third grade, I assume those were cognitive tests that were being used?

(The chart referred to follows:)



Dr. CARDENAS. This is a composite score, which includes reading, arithmetic——

Senator MONDALE. These are class grades?

Dr. CARDENAS. Yes. The Iowa Test of Basic Skills is the basis. The cumulative deficit continues through school years.

Senator MONDALE. By the seventh grade they are 2 years behind.

Dr. CARDENAS. This includes all of the third, sixth and the seventh grade children in this specific school district.

Senator MONDALE. Yes. That is significant, because the earlier pattern has been reflected in other communities. We recently had some data here in the District of Columbia which showed that by the end of the ninth grade the average student in the District of Columbia schools was 2.2 years behind the average student nationally, and 1.6 years behind the average student in major cities.

So that you have the same kind of erosion here in the District.

What kind of life, and what kind of academic possibilities or career possibilities are in store for this child who is 2 years behind at the seventh grade?

Dr. CARDENAS. Very little, sir. In many cases, the types of skills which he possesses are not compatible with the job opportunities that are available. This child can go into an unskilled labor field, which is rapidly diminishing, and there is no job opportunity for a child such as this one.

I would like to point out that I would predict that in this school district if we continued the testing in subsequent years, the chances are the scores would improve, not because the children are improving, but after seventh grade, you have a tremendous dropout sit-

uation. The kids who are behind tend to drop out of school and are not included in subsequent testing. This happens frequently. The improved test scores are no indication of the improvement of all the children.

TITLE I—GUIDELINES

Senator JAVITS. You call attention to the inequalities that result from the use of certain guidelines under title I of the ESEA. That is aid to poverty impacted children.

If you had to suggest changes in those guidelines to HEW, can you give us, with any specificity, what you would suggest?

Dr. CARDENAS. Yes, sir. In the first place, I would make allowance for the States to use these moneys for early childhood education. It is at the present time prohibited in the State of Texas to utilize title I funds for children under 5 years of age.

Therefore, there is no way in which title I funds can be utilized for this type of a program in early childhood education.

Senator JAVITS. You think they should be so used?

Dr. CARDENAS. Yes, sir, I feel it is imperative that they be. This is the biggest source of Federal money to the disadvantaged school district, and yet they are prohibited from using them in the manner they are most needed.

EARLY CHILDHOOD EFFECTS

If I may point out in that same chart that shows the early childhood education and evaluation, and this is really astounding, and I was shocked by it myself, the children tested at the 3-year-old level, the ones that tested with a mean of 104 IQ, after 7 months of participation in this program tested at a mean of 120 IQ.

These are all Spanish-speaking children from disadvantaged homes that after 7 months of participation in a good early childhood education program performed at a level of 120, making them in terms of typical populations an extremely bright group of kids.

Senator MONDALE. At age 5 were the ones tested also in your early childhood education program?

Dr. CARDENAS. Yes.

Senator MONDALE. But they had nevertheless sunk to IQ levels of 77?

Dr. CARDENAS. That is right. The age 5 group tested in the post test at an average of 77 with only an increase of seven IQ points.

Again, I think that the way these two lines converge on the right indicates that it is necessary that the allocation of resources be made at an early age when you can produce at the age of 3 or 4 a 16-point increase in IQ at the age of 4——

Senator MONDALE. Have the children in the 5-year-old class, had they been in Head Start since age 3?

Dr. CARDENAS. No, all of these children participated for the first time.

Senator MONDALE. Oh, I see. So these tests were given to the children when they began the programs. They had already slumped to 70.

Dr. CARDENAS. That is right. All of these started in this program, some started at the age of 3, some at the age of 4, and some at the age of 5.

Senator MONDALE. Turning to the 4-year-old group who tested at 50, and then went up to 108. Had that group had any previous training?

Dr. CARDENAS. They had not.

MEXICAN AMERICANS: POPULATION

Senator MONDALE. I see. Do you have any evidence of how well you are maintaining the momentum from year to year to year?

Dr. CARDENAS. No, sir, this program is actually only 7 months old, and we hope to gather more data in subsequent school years.

Senator MONDALE. How many Mexican American children are in the school system in this country? Do you have any idea? You say there are some 6 million Mexican Americans in this country.

Dr. CARDENAS. I have no idea.

Mr. Sanchez. There are roughly 11 million Spanish-speaking persons in America. Now, perhaps as a projection, if you go State by State, I think primarily in the Southwest, you see the great majority of the people, the average age would be in some cases 19.

Senator MONDALE. Of the 11 million, I suppose there would be Mexican Americans, Puerto Ricans, Cubans, and then Latin Americans from different countries, and I think in New Mexico they have descendents of the Spanish, and residents of Spain.

EARLY CHILDHOOD

Mr. SANCHEZ. Could I react to a comment regarding children at the early age? This bothers me.

I feel that in a sense we are talking about early childhood learning, about offering, hopefully, a curriculum, a very meaningful curriculum involving various subcultures at a very early age.

I think I would be more concerned, as an example, with almost mandatory health examinations for children at age 2, 3, 4, and 5, rather than giving them State mandated IQ testing, or some——

Senator MONDALE. Don't you think that a decent early childhood program has to look at the total child and consider simultaneously his health, education, nutrition, motivation and so forth?

Dr. CARDENAS. Senator, this program in early childhood education being reported here is a comprehensive program. It includes free breakfast and free lunch for all the children, a very extensive medical program, an extensive dental program and other services, and I don't think the results that are shown here are the results of, let's say, educational experiences involved, but includes the results of services which are being provided.

COMPLIANCE: COURTS VERSUS FUND CUTOFFS

Senator JAVITS. Mr. Chairman, we have had here in this committee a debate between the administration and other people interested in integrated education as to the effectiveness of the alternative means of enforcing the Civil Rights Act of 1964.

Now, the administration feels that court proceedings, coupled with educational and technical assistance, is the most effective way; that is, some change from previous notions that the best way was to withhold funds under title IV for these various programs, such as ESEA programs.

Do you have any light that you can cast on that question at all, as to which is more effective: this policy of the administration, or the fund cutoff route which characterized the previous administration?

Dr. CARDENAS. Sir, in cases where you have inequality of educational opportunity which is usually brought about in segregated or exists in segregated schools, just the cutting out of Federal funds does not really help the children of these schools. In some cases Federal programs are the only source of assistance that they do receive, limited as that may be, and cutting off the funds does not solve the problem.

I imagine some school districts say it is their prerogative to keep the children ignorant, and would turn down Federal funds in order to exercise their prerogative.

I would like to see more enforcement of the Civil Rights Act in court cases, but I feel that the efforts that are being made by, let's say, HEW, are not sufficient, and that it is necessary that other tools be used and other means of bringing such cases to the courts.

I was very disappointed in some of the provisions of Senate bill 3883, which rewarded school districts that did nothing for integration until such time as they were under a court order to do something about integration.

Senator JAVITS. Dr. Sanchez?

LANGUAGE AND CULTURE

Dr. SANCHEZ. I think if perhaps we keep as an ultimate goal integration being equated with culturally pluralistic education, and then if we look at the existing statutes, and this was part of the discussion earlier, whereby you apply the title VI to an institution of higher learning, or professional schools, because here in essence is where all these symptoms are really focused in. Your teachers and development of test instruments and so forth.

There has to be more enforcement with reference to this core of the educational processes. It has been left aside to focus on pertinent school districts. So that, basically, would be my comment.

Senator JAVITS. Thank you.

TECHNIQUES OF INTEGRATION

Mr. MORENO. I think we are kidding ourselves. We are not talking about prejudices. I just left, and we were talking about it then.

For example, I know your commitment to integration is great, Senator Mondale, and Senator Javits, I believe this way. I certainly do. But when I see out of the Office of Education, out of other Federal legislation, funds, and I am talking about millions of dollars, and I am talking about Raytheon and many companies, where the hardware companies own the softwear companies, and

the book companies, and all of these people in the programs develop educational systems, I see programs pointing toward the demise of the educational system.

There are voucher systems, and I see superintendents, and I have been offered positions with them, to help set up franchising of early childhood education. So, I see everything moving in the opposite direction. When I see upper middle class whites moving into a private school, whether it be parochial, or a status school, I think that the context of integration is different in 1970 than it was before, and I think we have to develop other strategies and other tactics, legislative or otherwise, to do something.

What I keep harping on is "Develop your community. When you perceive me as an equal, and then we can deal," but as long as we don't perceive each other as equals, I don't think we are going to get any pluralism moving.

I am not being pessimistic. I am being optimistic. But I see more funds going into innovative programs, and I see more and more politicians, not only for political reasons, but I think they are reflecting their own feelings—I am talking about California—supporting actions and programs and adoptions and policies, and I read their budgets, how they allocate the money in the budget. The budget is a political instrument. If you read the budget, you know what they are and what they believe in.

You see all these things happening, being supported, being promoted. We can talk about intellectual pluralism but I think we have to develop other strategies and tactics at the Federal and State levels to really bring about an understanding among people.

I just came back from Mexico in June. I got married many years ago, and I hadn't been to Mexico for a while. My friend, if we don't hustle, and I mean hustle aggressively as a nation, within 10 years, by 1980, Mexico will surpass us in a variety of different things. Bank managers are 25 and 27 years old, bank managers, controlling millions of dollars. You go fishing down there, one of the——

Senator MONDALE. I am from Minnesota. [Laughter.]

Mr. MORENO. But if you want to go down there and invest money at 9 percent in Mexico, and I can help you with that if you wish, the young lady handles millions of dollars—not pesos—and she is a 23-year-old girl. She is not a genius. Those people are aggressively moving forward, and there is a purposelessness in this society.

We are not moving and nobody wants to take a —— stand on anything.

We can talk about integration, but when I see the Governor of California, and the legislators of California rejecting in a textbook adoption a picture of Cesar Chavez, all this talk here doesn't mean a thing to me.

Senator JAVITS. Remember, sir, it is the people of California who elected those people.

Mr. MORENO. I am very much aware of that. We worked against him.

Senator JAVITS. Just remember that, it is very important.

Mr. MORENO. We are part of a nation, and California is not a separate part of the Nation. I am trying to make a point for the Nation, not for California or Los Angeles. I feel a commitment to the Nation.

This is a commitment that I don't see coming across anywhere.

EQUAL EDUCATIONAL OPPORTUNITY AND INTEGRATION

Senator MONDALE. I thought it was significant that none of you in your recommendations emphasized integration. Each of you had a different point, all of which I thought were very good, but would it be fair to say that your hopes for equal education for the Mexican American child are not based upon a hope for integration, but rather a hope for compensatory programs, student assistance, bilingual education and the realistic programs, and the rest, combined with better funding?

Mr. MORENO. Compensatory, but don't put the monkey on the backs of the kids. Put the monkey on the backs of the school districts—You develop new criteria. The school district because they may lack resources, the district is identified as receiving the money. You give the money to the district, as opposed to saying, "Oh, we have blue eyed Jewish kids, and for every one you have, you get $10."

So, you are going to find green eyed Jewish kids who are almost blue eyed. You have to focus on a structural change.

Senator MONDALE. Could we get a response from others on that question?

Dr. SANCHEZ. If I may, it seems realistic that education across this Nation, especially in California, is faced with a problem of finance. In many districts in California, instead of increasing the number of teachers, we are decreasing the number because we don't have the money, either from property taxes or Federal funds.

So in San Francisco, we should have hired 300 additional teachers beyond our attrition rate, which comes up to 15 percent. We did not hire these teachers, because 300 teachers is $3 million. The result is that some of the strategy, such as differential staffing, involving not a given parent in a given school, but a whole educational complex dealing with that school to enable it to become an integrated bicultural school using the resources of that community so that children can learn.

This, I think, means that school board members throughout this Nation, as people in decisionmaking processes, are going to have to take a look at some revised strategies toward meeting the needs of the society with what our taxing power is and the amount of money we have.

Senator MONDALE. Let me put it differently.

COMPENSATION VERSUS INTEGRATION

If we were empowered to give the school district in San Francisco money that is needed, and you were empowered to shape a program that was sensitive and took into account cultural differences, would

you emphasize a compensation program, for the lack of a better word, or would you emphasize compensatory education with integration? How important does integration weigh on your scale? What is necessary to provide the average Mexican American child equal educational opportunity?

Dr. SANCHEZ. Well, if we are asking specifically about our given city, I would say that the ideal would be independent fiscal control over either clusters of schools or whatever plan is developed using the subcultures within our community.

As an example, the only thing we as a governing board require of the grants with finances for a given year would be some sort of an outside audit prior to and at the end of the 1-year period, and if there were significant gains, reading, writing, math, and so on, then this could be expanded to cover a multitude of schools within our city.

Actually, it is sort of a voucher plan, but in essence it really isn't, because the board and the people residing within the city actually have some control over design and other factors in developing this particular program. This has not been tried, at least in northern California.

Senator MONDALE. Mr. Cardenas, would you answer that?

Dr. CARDENAS. I could speak about programmatic means that could be integrated in either situation. I think I have presented testimony that shows the financial picture of a segregated school district. To just say that I favor integration as a solution to the problem, well, I just can't do it, and the reason is that I would have to insist on integrated school districts within my terms.

The Mexican American that lives in a predominantly Mexican American community at least has control of the boards, the school system, and hiring the teachers, and so forth. Consolidating that school district with another one is really not integration. You are just creating a minority group within the school district, and pretty soon he finds himself in the position he is in in Los Angeles, New York, or Chicago, where the minority group people say the school district does not respond to the characteristics of the community.

So, I think it has to be a certain type of integration where the program is still responsive to the characteristics of the children, regardless of what minority group they come from.

Senator MONDALE. In other words, and I don't want to put words in your mouth, you are for integration provided it is the right kind, that is implemented with sensitivity, with community control. In other words, you seek quality integrated education with sensitivity being an unusual element of that quality.

Dr. CARDENAS. And I would like to see positive interactions between children of poverty backgrounds and better off homes. You do provide models for the children in interaction of children who have different types of life styles, provided you have the cultural pluralism that Mr. Moreno is speaking about.

Senator JAVITS. Yes, but you don't place the premium on the desegregated situation as being essential to getting the optimum of education for that child for whom you are speaking.

You see, it is a very great difference between your version and the

black community's version. The black community on the whole feels that the black child will not get a decent education unless he is in a desegregated situation—an integrated situation, really.

EFFECTS OF INTEGRATION

Can you answer directly, do you feel that in order to get an optimum education, the child of the poor Spanish-speaking family must be in an integrated school situation?

Dr. CARDENAS. That is a very tough question.

Mr. MORENO. In Beverly Hills, yes.

Senator JAVITS. All right. We have your answer. What about the rest?

Senator MONDALE. I think that is a significant answer.

Mr. MORENO. They have oil wells in the high schools.

Dr. CARDENAS. I would say yes, sir.

Senator JAVITS. What about you, Dr. Sanchez?

Dr. SANCHEZ. I would say yes.

Dr. CARDENAS. I would say they are not getting quality education in either segregated or integrated school districts.

Senator, I visited in many of the school districts that employ segregated facilities for migrant children.

EDUCATION FOR STABLE INTEGRATION

Senator MONDALE. I would like to interrupt you if I might. I am sorry. I think one of the problems we encounter when we talk about segregation and integration is that the real objective, as it appears to me, is trying to get disadvantaged children into healthy conditions in stable, advantaged school systems the theory being that since children learn more from each other than they do from the school system, the disadvantaged students will be getting benefit from exposure to children who have had advantages that they haven't.

It seems to me that should be the objective that this country should pursue.

LANGUAGE AND CULTURE

Now, when we are faced with language and cultural differences, in order to achieve quality integration rather than mere body mixing, we need sensitive programs in language, history, culture, and teachers and faculty and so on which give the child a chance to believe he can achieve.

Would you respond to that?

Mr. MORENO. Yes, philosophically, I think I agree with you, and it is like I have talked for many years. You are assuming, however, that when the Mexican American child integrates, that they perceive him as an equal, that they are welcoming this addition, you see. We want the monkey on the Mexican kid's back. He has a language barrier. He doesn't have a language barrier. The Anglo has the language barrier. You have to remove the conditions that create barriers.

We have to somehow reach the Anglo majority society, so that as it begins to adopt a different point of view, a different perception of people as equals, as human beings, then the Mexican Americans will

automatically fit, or the black, or the poor white, or anybody. But if you are trying to say, here is the Anglo middle-class environment, and this is good for poor Mexican Americans, I think that is where we would question it. Because where we have examples of integration it is used to co-opt any community development. You take away the base from the Mexican community or the black community.

So, I think people are very conscious of the alternatives. It is no longer a philosophical question, you know, at this level. You know, the people at the community themselves say, "I will send my kids there, but why can't I work there?

SCHOOLS AND SOCIAL POLICY

Why don't we have integration in the unions. We will have integration in the schools when the unions integrate.

When the society begins to integrate outside the school system, it will automatically happen in the school system. I think we are using the school systems as a leverage to affect the rest.

Senator MONDALE. Dr. Cardenas, I think you could agree on that.

COMPENSATION VERSUS INTEGRATION: MIGRANTS

Dr. CARDENAS. Yes. I was talking about the education of the migrant children, where segregated school districts were set up to concentrate the funds——

Senator MONDALE. I think you told me about that.

Dr. CARDENAS. It shows that the children in spite of the additional resources performed at a lower level than migrant children who were in integrated schools.

Senator MONDALE. In other words, the migrant education programs, would be an example where children who were involved in supposedly exemplary, gold-plated compensatory programs achieved more poorly in isolation than children who attended integrated schools which did not ever receive special funding.

Is that correct?

Dr. CAREDNAS. Yes.

Senator MONDALE. Is that report out?

MEXICAN AMERICAN STUDENTS

Dr. CARDENAS. That was published, yes. It is entitled "Evaluation of Migrant Education in Texas."

Senator MONDALE. We have received figures here to show that there are approximately 2,002,776 Spanish-surnamed students in the public schools of this country, out of a total of 43 million-some pupils. I would like a response from the three of you.

Would it be fair to say that 50 percent of these children are going to drop out? I assume these figures already reflect dropouts.

Dr. CARDENAS. At least 50 percent.

Senator MONDALE. Fifty percent of them, or more, drop out, or are pushed out of school and the average child slips 2 years behind by the sixth or seventh grade. How far behind will these kids be by the end of the 12th grade?

Dr. CARDENAS. They are out of school way before the end of the 12th grade.

Senator MONDALE. They just automatically become dropouts.

Dr. CARDENAS. That is right, sir.

SCHOOLS AND SOCIAL POLICY

Senator MONDALE. I wonder what that costs this country?

Dr. CARDENAS. In wasted resources, it is impossible to estimate the billions of dollars being lost to this country.

Senator MONDALE. I wonder if there is an economist in this country that can tell us what it costs this Nation to have, say, the 6 or 7 million disadvantaged children in the country drop 20 points in IQ: what does it cost the businesses, what does it cost the economy of this country, quite apart from, you know, the pathology of the disadvantaged?

Mr. MORENO. I think if we stop for a moment and think in the L.A. city schools the dropout rate, and I am not talking about blacks or browns, is 25 percent—you know, these are Anglo, white.

Senator MONDALE. That is the average, 25 percent. But in some schools it is 50 percent.

Dr. CARDENAS. In this school, it is 50 percent dropout rate. The Texas education agencies estimated the dropout in excess of 70 percent for Mexican Americans in Texas.

Senator MONDALE. Seventy percent?

Dr. CARDENAS. That is correct. Commissioner Howe quoted 80 percent, I believe.

Senator MONDALE. Let me ask the staff if there is an economist who knows what it costs this country to lose 20 points in IQ. I bet it is a billion dollars a point.

I talked to leading businessmen, who are telling me how much it costs to train telephone operators and bookkeepers and checkout clerks, and so on, because these kids don't even get the rudimentary tools for these jobs.

I bet we spend billions of dollars a year trying to make up for this deprivation already.

Dr. SANCHEZ. Perhaps another measurement might be the number of Mexican American men in State and Federal prisons.

Senator MONDALE. Just the direct cost of dealing with the frustration.

Dr. CARDENAS. I think an economist could estimate the amount of lost resources, and it is fairly easy to compile figures on public health, surplus commodities, medical expenses, welfare.

Senator MONDALE. Yes. I think we ought to have a hearing on the economics of disadvantage. There must be some economists somewhere who have bothered to figure this out.

MEXICAN AMERICANS AND MIGRANTS: DROPOUTS

Dr. CARDENAS. Senator, may I make two points? You may have visited a school system in Texas which, up to 1946, no Mexican American had attended high school, and this is a community approximately 80-percent Mexican Americans.

Senator MONDALE. Which one is this?

Dr. CARDENAS. Crystal City, Tex.

Ninety some-odd percent of the migrants in Texas are Mexican Americans, and we are trying to compute dropout rates, and we are splitting hairs as to whether the dropout rate for Mexican American migrants was 89 or 91 percent, and so forth, and we uncovered that school administrators furnished us data that 20 percent of all migrant children in the State of Texas never enroll in school.

Senator MONDALE. At all?

Dr. CARDENAS. At all.

Dr. SANCHEZ. Those figures would be applicable to the California situation also, in some of our schools, San Jose, and so forth. The child moves from one area to another, and there are large numbers of children, Spanish-speaking children, who have never attended public education, and one example, a year-and-a-half ago at one of our county hospitals, we had a young Mexican American girl who had been burned over 80 percent of her body. Right away, some members of the community began to go to the hospital, because nobody in that particular floor, including the physician, spoke Spanish. The nurses were very upset because the girl could not speak English and so forth and so on. Once we put in our staff, we found out that the girl, 16 years old, had never attended school in California, and yet she had been born and raised there, and I would suggest that perhaps you can really look into this population of Spanish-speaking children and families who perhaps have been totally excluded from any sense of equal opportunity.

Senator MONDALE. Is that primarily migrant families, or do you think it is more widely applicable?

Dr. SANCHEZ. These particular cases were, yes.

Mr. MORENO. It would be interesting, also, to do it in an urban area, with a couple of figures in 1960 and also 1965. We have figures where 88 percent of the Mexican Americans are living in urban areas. The population, prior to 1950, you had 80 percent of the Mexican population that was rural. After the 1960 census, 80 percent of that was urban, and I think we are dealing with a lot of phenomena here that we need more statistics on.

Senator MONDALE. We have some figures that indicate in Texas, of those in the ages 20 to 49 bracket, 33 percent are Anglo, 60 percent blacks, 79 percent chicanos, in the dropout rate.

That, as you point out, may not include a large percentage that never went to school at all and thus didn't show up in these figures.

We appreciate very much your willingness to be with us here today. I appreciate the fact that much of your testimony is repetitious and that we have been through all this before.

Thank you very much.

We stand in recess until tomorrow morning.

(Whereupon, at 12:40 p.m., the committee recessed to reconvene at 9:30 a.m., Wednesday, August 19, 1970.)

EQUAL EDUCATIONAL OPPORTUNITY

WEDNESDAY, AUGUST 19, 1970

U.S. SENATE,
SELECT COMMITTEE ON
EQUAL EDUCATIONAL OPPORTUNITY,
Washington, D.C.

The select committee met at 9:30 a.m., pursuant to recess, in room 1318, New Senate Office Building, Senator Walter F. Mondale (chairman of the select committee) presiding.

Present: Senator Mondale.

Staff members present: Josué González, director of special studies.

Senator MONDALE. The committee will come to order.

Jose V. Uriegas and Jesus J. Rubio are our witnesses this morning. We are delighted to have you with us today to help us try to understand the difficulty confronting the Mexican Americans in achieving American opportunities. You may proceed as you wish.

STATEMENT OF JOSE V. URIEGAS, MEMBER, TEXAS STATE ADVISORY COMMITTEE ON CIVIL RIGHTS, AND JESUS J. RUBIO, JR., RESEARCH DIRECTOR, MEXICAN AMERICAN DEVELOPMENT CORP.

Mr. URIEGAS. My name is Jose V. Uriegas from Austin, Tex. On April 13, 1967, the Texas conference on the Mexican American heard the Associate Commissioner for Elementary Education of the U.S. Office of Education declare that the value of bilingualism had been proven and that the time was at hand to "find ways of applying what we have learned in every school in America."

Mr. RUBIO. Witnesses appearing before the California State Advisory Committee to the U.S. Civil Rights Commission at hearings in East Los Angeles in June, 1967, unanimously agreed that public school education for Mexican Americans was "inadequate and frequently ineffective."

Mr. URIEGAS. 600 Mexican American leaders meeting at the Cabinet committee hearings on Mexican American affairs in El Paso, October 26–28, 1967, gave top priority to correcting the educational deficiences of the public school education offered to the Mexican American. Their recommendations were acknowledged by the President of the United States.

Mr. RUBIO. Former Commissioner of Education Harold Howe told the National Conference on Educational Opportunities for Mexican Americans on April 25, 1968:

> If Mexican-American children have a higher dropout rate than any other identifiable group in the nation—and they do—the school cannot explain away

their failure by belaboring the Mexican American problem. The problem, simply, is that the schools have failed with these children.

Mr. URIEGAS. In its report on "Civil Rights in Texas" issued on March 9, 1970, by the Texas Advisory Committee to the U.S. Commission on Civil Rights in Texas, that body declared:

The Texas Advisory Committee to the U.S. Commission on Civil Rights cannot avoid the conclusion that the schools of Texas have generally failed at the job of educating Negroes and Mexican American children.

SCHOOLS AND SOCIAL POLICY

Mr. RUBIO. The focus is now clear. The Mexican American has set his sights on the reform of the public school system in the Southwest. He believes that his failure to progress more rapidly in the social and economic spheres is irrevocably linked to the massive failure of the barrio school to provide him with a relevant education.

LANGUAGE AND CULTURE

As he leaves the classroom in Sierra Blanca, Uvalde, Crystal City, or Edcouch-Elsa he is making his position clear:

No longer will he put up with educators who promote a monolingual, monocultural society;

No longer will he suffer punishment for speaking his mother tongue;

No longer will he abide with educators who have no understanding of his culture of heritage;

No longer will he be satisfied with inadequately funded and staffed bilingual and bicultural programs;

No longer will he let others make the policy and administrative decisions which shape and mold the nature and content of his education;

No longer will he send his children to classes in second-rate facilities.

The Mexican American may show factionalism and disunity in other areas but he is committed to a common activism in the field of education. He is painfully aware in the State of Texas, for example, that the last census showed that 56.8 percent of the State's Mexican Americans dropped out of school before completing the eighth grade; that 78.9 percent of chicano children left classes before high school graduation; and that only 4.2 percent of the adult population had any college.

COMPLIANCE

He is aware that desegregation guidelines have been evaded by public school systems who have interpreted them to mean lumping black and brown students together.

Mr. URIEGAS. He is angry—but committed to a program of change which has a sound and positive foundation, for:

LANGUAGE AND CULTURE

He wants his children Americanized, but not Anglicized;

He believes that the Mexican American child can learn and that his language should not be an obstacle to his success, but an effective

tool for learning and that to destroy it is to destroy his identity and self-esteem;

He holds that Mexican American children and parents have the same high aspirations and expectations as other groups;

He wants training programs established which will enable the teacher and administrator to work successfully with the bilingual child; and

He believes that parents, as the primary educators of their children, must be involved in the decisions that mold the education of their children.

He has heard his leaders detail the general educational plight of the Mexican American at innumerable hearings and conferences; he has felt the sting of personal disorientation and disorganization as the cultures clashed in the schoolroom and in the living room; and he has drawn the line. His message is simple and direct. "Ya basta!" (Enough, no more!)

Mr. RUBIO. "Ya basta!"

MEXICAN AMERICANS: SOCIAL ACTIVISM

Mr. URIEGAS. He is committed to action, walking out of school, winning school board elections, pushing for the employment of educators who understand him and recognize his legitimate aspirations, and shaping the policy and administrative decisions which guide his education.

He is going to court with the assistance of organizations like the Mexican American Legal Defense Fund to break racial isolation patterns or to retain the good offices of popular educators who run afoul of insensitive school boards, as in Uvalde, Tex.

And he is prepared to suffer the consequences to his person and to his children.

Today, the Mexican American parent of a senior in Uvalde is aware that his child may never graduate from his high school and that his other children may be 1 year behind from now on because they participated in the walkout. In the economic system of the Southwest he knows he risks unemployment and deprivation for his action but he is determined to draw the line. He is taking his stand. Ya basta is more than rhetoric. It expresses his commitment to action and change.

Mr. RUBIO. We do not appear here today in the guise of professional educators; though we have both taught school in the barrio neither of us purports to be an educator in the pedagogical sense. It is our understanding that you have already heard—or will soon hear—the testimony of distinguished educators who have studied our educational problems in depth and who will provide you with proper summaries of their findings.

Unfortunately, they have all addressed some commission or committee somewhere before and their words have not prompted a satisfactory response on either a national or State level. We hope, of course, that this will prove the exception to the rule.

We speak today from the perspective of community organizers. Our language will be that of "involvement," "organizing," "participation," and perhaps even the bankrupt term of "maximum feasible

participation." We speak from personal involvement in boycotts and from a deep sense of respect and admiration for the parents and students whom we have witnessed struggling for a better deal from their barrio schools.

We speak from our experience in the State of Texas but with an understanding from our brothers in other States that their situations are not that different in spirit or content. And we speak as chicanos who propose radical and immediate changes in the type and quality of education which is offered to our people in the public school systems of the Southwest.

MEXICAN AMERICANS AND SCHOOL BOYCOTT

From this perspective we wish to outline one school boycott to this committee in the hope that it may generate a better understanding of the anguish and deep hurt which bring our people to the walkout stage.

A school boycott is, of course, a group action whereby students refuse to attend classes at a school or combination of schools within a district until certain conditions are corrected or demands met by local school authorities. Our study of the school boycott reveals that:

Mr. URIEGAS. (1) It is locally originated, organized, and led.

Mr. RUBIO. (2) It is an "instrument of the last resort" which is invoked only after parents and students feel that further negotiations with school officials will prove fruitless.

Mr. URIEGAS. (3) There is recognition by the boycotters of the immediate and harmful consequences to themselves and their children but the belief persists that its long-range benefits are worth the pain and sacrifice.

Mr. RUBIO. (4) It is often sparked by a single grievance, such as the dismissal of a popular teacher, but the spark soon jumps the gap and illuminates the community's entire educational apparatus.

Mr. URIEGAS. (5) Its intent is almost universally misunderstood by the Anglo community and the acculturated segment of the Mexican American community.

Mr. RUBIO. (6) It finds no sympathy in the local press which often attributes its beginnings to the presence of "outside agitators."

Mr. URIEGAS. (7) School officials are visibly angered by the apparent ingratitude and irrationality of the boycotters.

Mr. RUBIO. (8) A strong belief persists among boycotters that either the State education agency or an arm of the Federal Government will intervene and mediate a satisfactory settlement.

Mr. URIEGAS. (9) Traditional community mediators such as the clergy often fail to intervene.

Mr. RUBIO. (10) Substitute classes and tutorial programs manned by volunteers, parents, and upper grade students are organized and conducted in any available space.

Mr. URIEGAS. (11) Boycotters are kept under surveillance by law enforcement officers and in some cases extensive dossiers are compiled on the leadership.

Mr. RUBIO. (12) Outside assistance is welcomed but must work within local guidelines and under the boycott's recognized leadership.

Mr. URIEGAS. (13) It is often prolonged and produces less than satisfactory results.

Mr. RUBIO. (14) Boycotters often leave walkout status with formal plans to capture seats on the school board at the next election.

UVALDE SCHOOL BOYCOTT

Though results vary from the present standoff in Uvalde to Crystal City where the Mexican American community now controls the school board (as a result of La Raza Undia Party victories at the polls under the brilliant leadership of Jose Angel Gutierrez) the community organizer sees many significant changes and, if you would, "victories" emerging from each boycott.

We see a new pride in the participants as individuals and as a people. We sense a feeling among the people that cooperative action will result in significant changes in their barrio and community. We can identify a new leadership which has been tested and found strong and often charismatic. We see what seemed placid barrios assigning a priority to their problems and needs and charting aggressive action campaigns to achieve their objectives. And we can perceive a strong desire among the people to work within the system to produce change.

It is democracy in its purest sense that is at work in the barrios of the Southwest. An in-depth study of the Uvalde situation will verify our point of view.

Mr. URIEGAS. First, a few basic facts about the Uvalde Independent School District:

The school enrollment in Uvalde (located in the Wintergarden area of Texas) showed a total student population of 3,572, of which 1,377 were Anglo, and 2,179 Mexican Americans. Only 16 black students were in school.

Uvalde I.S.D. received a total of $532,178.58 in Federal aid for the 1969–70 school year. A detailed breakdown is included in the appendix to this paper.

Staffing-wise the Uvalde I.S.D. numbers 11 Anglo administrators and no Mexican Americans. Out of a total of 185 teachers only 17 are Mexican American. Teachers' aides positions are held by 36 Anglos and 38 Mexican Americans.

Formulating the Uvalde I.S.D.'s policy is a school board of seven Anglos and no Mexican Americans.

The school boycott which took place in Uvalde this year resulted from the school board's decision not to renew the contract of Mr. George Garza, a popular teacher at the Robb Elementary School.

Senator MONDALE. What is the composition of that school?

Mr. URIEGAS. It is about 90 percent Mexican American.

Mr. Garza, a teacher in the system for 4½ years, had a reputation among students and parents as an excellent teacher who was dedicated to his work and to his students. Parents also noted time and again that he was easy to communicate with and made them feel a part of their children's education.

The series of events leading to the walkout of 525 children on the morning of April 14, 1970, began in mid-January when Principal E. P. Shannon, of Robb Elementary School, recommended to Superin-

tendent R. E. Byrom that Mr. Garza, who had just announced his candidacy for the Democratic nomination for county judge, not have his contract renewed. He alleged that Mr. Garza had been a very good teacher in the past but that there had been friction between the two during the current school year.

He said that Mr. Garza had failed to comply with an order to send his preschool youngsters home after classes, but had instead kept them at his side while he coached the school's basketball team.

Superintendent Byrom, who later told investigators from the Texas Education Agency that he had noticed a change in Mr. Garza's attitude and believed that the teacher was a member of the Mexican American Youth Organization (MAYO), attempted to mediate the dispute between the two men.

Brewing on the side was another controversy. Disturbed by what they believed to be discriminatory practices in the school led by Mr. Shannon, a group of parents had attempted to meet with the school board at various times to discuss their complaints. They were not granted a hearing, but on February 23, 1970, a group of school children presented their principal with a list of grievances. These included the following:

That Mexican American students were being assigned to classes for the mentally retarded on the basis of criteria which essentially measured or evaluated their English language skills.

That the Uvalde I.S.D. had categorically refused to admit that "problems currently exist" so there had never been any attempt to work within civil rights guidelines.

That the school district employed a tracking system which operated as a dead-end or permanent track rather than dealing with the special language skill needs of Mexican American children.

That the physical facilities were inadequate, unsanitary and unconducive to learning.

That notices of school activities were not adequately transmitted to parents and that such messages should be henceforth in Spanish as well as English. That the principal had imposed over-restrictive rules and regulations in the school, permitting the children only 10–minute lunch breaks, prohibiting marbles because they "lead to gambling," and tops because they "are dangerous," and refusing the children permission to chew gum during recess periods.

That the principal had placed a sign on the school bulletin board to the effect that "No Meskin Food Served Here."

That the principal would not permit such activities as a Christmas program; educational assemblies or films; and competitive sports such as track meets, field days, or football because "they involved too much work."

That the school's playground and physical education equipment was inadequate and battered while other schools in Uvalde had good equipment.

That there were no safety measures to help the children get to and from school.

And—in general—they stated that the principal had done a very poor job, that his methods were outdated, and that he completely disregarded their wishes. Copies of the petition were sent to the

school board and to the Texas Education Agency. It was signed by 28 persons.

The school board never heard their requests. In the meantime, Mr. Garza, in the opinion of one parent, remained their one real link to a decent education for their children at Robb Elementary School.

At the March meeting of the school board, it took no action on Mr. Garza's contract. Mr. Garza, however, asked that he and his attorney be placed on the agenda for the regular April meeting scheduled for the evening of April 13. He and his attorney, Mr. Jesse Gamez of San Antonio, were present at that meeting, but two school board members failed to appear. The school board president—Mr. Al Dishman—ruled that a meeting could not take place and that the school board meeting would be postponed until April 16.

This was unacceptable to Mr. Garza and his attorney and to parents in the audience, one of whom warned the school board that the children would boycott the school if the meeting were not held that evening. President Dishman answered: "If the parents and students are going to walkout that is their prerogative but I will not convene this board tonight."

The boycott was on the next day. What followed was a show of total disregard for the needs of the Mexican American in the field of education and in the administration of justice. The children were intimidated by school administrators who told them they would all fail if they joined their friends in the boycott. An entire company of Texas Rangers, under the command of the infamous Capt. Y. E. Allee, arrived on the first day. Flying overhead was a helicopter belonging to the Texas Department of Public Safety. Rangers would confront individual students and harass them.

Teenage boycotters lost after-school jobs, and all male boycotters over the age of 18 were reclassified by the local draft board. In its zeal the draft board also classified one 17-year-old youth. Parents of boycotters also lost jobs or were subjected to daily pressure from their Anglo employers to return their children to school. Threatening telephone calls were received by boycott leaders. One leader, Mrs. Gabriel Tafolla, was told that she and her child would be killed. The call was traced by local police to the home of a school employee. Charges are now pending against this individual, the husband of a school counselor.

School Board President Dishman took to the editorial columns of the local newspaper with the charge that the boycott was "communist inspired."

But the boycotters held firm and issued a letter stating their position. It read in part:

> We believe our demands are very justified. We realize the walkout is a very serious thing and that our children may lose an entire year of school. But the school board is solely to blame as it has left us with no other recourse. We tried time and again, politely and pleadingly, to get the school board to meet with parents to discuss the situation, but the school board has chosen to ignore us with the hope that the situation will become more difficult for us and we will give up.

They didn't give up. The overwhelming odds arrayed against the boycotters only served to cement their bond. Five buildings were

converted into temporary schools housing classes from the preschool age to the senior year in high school. Volunteers—most of whom were certified teachers—trooped in from as far away as Houston.

Mexican American merchants donated foodstuffs and mothers cooked the noon meal. Approximately 275 meals were served daily.

It was an experience to watch the boycotters. Students who had been considered troublemakers in the regular Uvalde I.S.D. classrooms became model students as they worked with empathetic teachers in a bilingual/bicultural setting. High school students provided safety patrol service for elementary school students, and high school girls baby sat for parents who were working in the boycott.

One parent of nine children who initially refused to support the boycott became an ardent supporter when her two eldest children told her:

> We are willing to pay the price, Mama. We know we will never make it in school, but we want to give our brothers and sisters a chance.

Especially pleasing to the students, it appeared, were classes in Mexican American history and culture. The contributions of their ancestors to the area and State captivated them and the usual classroom ruckus was almost nonexistent. There was an enthusiasm and an eagerness to learn—something not always visible in the Uvalde I.S.D. classes.

Parents worked alongside teachers and appreciated the opportunity of speaking Spanish as they forged a common union whose objective was the education of the child.

A meeting was held on April 30 where Mr. Dishman and Mr. Byrom met with the newly organized Mexican American Parents Association. The meeting lasted 3 hours and was marked by intensive questioning of the parents by the two men who asked about their actions and motives. No resolution of the conflict came about, however. The two men stated that they could not come to any terms with the boycotters because they were there only "as interested individuals not as officials."

Mr. Dishman promised to convene the school board on May 4 to hear the boycotters' demands if the children returned to school on May 1. The boycotters refused to meet his condition.

School ended on May 19 with no resolution of the problem. Four hundred and seventy-five students and their parents had held firm and now will probably continue the walkout with the start of the fall semester.

While I take great pride in the love and strength exhibited by the Mexican American community in Uvalde, it was a sad thing to observe the total lack of sensitivity by the Anglo community to the voices of the Chicano. The clergy appeared to be more concerned with holding onto their pulpits than seeking a solution. The Anglo community resorted to the cliches of subversion. It went on a witch hunt in search of the outside agitators who, in their minds, were precipitating the conflict.

Not once did they appear to care about a people who refused to feel inferior or to have their langauge downgraded any more. Not once did they seem to comprehend the plight of the Mexican American student. This impasse remains and shows no sign of breaking.

Mr. RUBIO. What can be learned from a boycott? What does it mean to the Southwest in the months and years to come? We believe the following conclusions can be drawn from our observation of school boycotts.

That the school boycott is now an acceptable organizing technique to the Mexican American community and will be utilized more extensively in the future;

That the Mexican American is consciously turning away from the white, middle-class, and monolingual role model promoted by the public school system and opting for a bicultural, bilingual model;

That Mexican American organizations at all levels will continue to focus their major effort on the reform of the public school system;

That school board elections will be hotly contested from now on and that Mexican American representation on these bodies will increase substantially;

That Mexican American groups pulled together by the education issue will soon turn their attention and new organizing skills to other socioeconomic problems in the community including health, housing, the administration of justice, and economic development.

We can also sadly predict that school boards and administrators will continue to force the Mexican American people to utilize their "instrument of the last resort" by their continued insensitivity to the genuine and legitimate needs of the Mexican American student. This is both a sad commentary and a hopeful one. It is sad because it says that one group will resist at all costs the rational entreaties of concerned men. It is hopeful in that the confrontation will also signal the transfer of power—some power—to the heretofore powerless segment of many a Southwestern community, the Mexican American population.

RECOMMENDATIONS

Speaking from a community organizer's point of view here are a few suggestions to school officials who are desirous of working in partnership with the Mexican American community and who wish to head off a future boycott or confrontation in their area.

On the local level we recommend the following course of action:

Mr. URIEGAS. (1) That officials announce their commitment to bicultural and bilingual education for all students.

Mr. RUBIO. (2) That an advisory committee representative of the Mexican American community be organized to advise the administration on matters of policy and to evaluate the progress of programs developed for the Mexican American student.

Mr. URIEGAS. (3) That a Department of Mexican American Education be organized and staffed with Mexican American educators.

Mr. RUBIO. (4) That the school system, in concert with the Mexican American community, initiate an immediate review and adjustment of testing procedures, corporal punishment, tracking and sequence systems, counseling programs, and vocational courses.

Mr. URIEGAS. (5) That the school system institute an aggressive recruiting program to hire Mexican American teachers, counselors and administrators who are not suffering from cultural confusion.

Mr. RUBIO. (6) That the school system institute an in-service training pr gram for all school personnel designed to equip them with a basic Spanish vocabulary, a basic understanding of Mexican American culture, and a basic knowledge of the contributions of the Mexican American people to the area, State, and Nation.

Mr. URIEGAS. (7) That the school system commit itself to the principle of community control of neighborhood schools and that a pilot or experimental program be launched.

Mr. RUBIO. (8) That a program be instituted which will acquaint school personnel with the community and families they serve.

Mr. URIEGAS. (9) That community people be hired to work in aide or paraprofessional teaching slots for purposes of linking the school and community in the classroom in a very real and substantial manner.

Mr. RUBIO. (10) That parental involvement in the education of their children be encouraged through a more convenient scheduling of PTA-type meetings: the use of Spanish language or bilingualism at these meetings; and by opening school facilities for the use of the neighborhood. School buildings are natural community centers in a barrio; yet they are closed for a major portion of the day and all weekend.

Mr. URIEGAS. (11) That the school system develop "salvage" programs which will attempt to bring the dropout back to school, prepare the vocational route student (a route usually chosen by a counselor for the Mexican American student) for admission into college, and equip the functionally illiterate adult with the rudiments of a formal education.

Mr. RUBIO. (12) That full utilization of free breakfast and lunch programs be made by the system.

Mr. URIEGAS. (13) That courses on Mexican American history and culture be introduced.

Mr. RUBIO. (14) That the 16th of September be declared a school holiday and that the event be used to accentuate the contributions of the Mexican American to the area, State, and Nation.

Mr. URIEGAS. (15) That a dropout prevention program be developed; and

Mr. RUBIO. (16) That incentives be offered to gifted teachers who will devote their professional years to working in poverty areas.

To achieve many of these reforms in a community we realize that certain barriers must be lowered and funds appropriated on the State and national level.

ON THE STATE LEVEL WE RECOMMEND

1. That legal barriers to teaching in a language other than English be removed.

2. That Mexican Americans be adequately represented on the State board of education, the textbook selection committee, and other policymaking boards.

3. That textbooks found to be culturally or historically biased be replaced with textbooks which reflect the heritage and contributions of the Mexican American.

4. That the State education agency commit itself to a policy of bicultural and bilingual instruction and to the goal that by the sixth

grade every child will have been given the opportunity of learning both basic English and basic Spanish.

5. That an existing agency or a new agency serve as a mediator in community educational disputes.

6. That schools of education offer to all students courses in ethnic groups, attitude formation, Mexican American culture, and Spanish.

7. That State legislatures appropriate and earmark funds for Mexican American education programs.

8. That the education of migrant children no longer be left to experimental and pilot programs but that a concentrated effort be made to reach the three-fourths of the migrant population which is not now receiving an adequate education.

9. That Mexican American educators be employed in policymaking and administrative positions within the State education agency.

10. That a Department of Mexican American Education be developed within the State education agency.

ON THE NATIONAL LEVEL WE RECOMMEND

1. A recognition by the Federal Government that school districts are evading integration guidelines by merging the Mexican American minority with the black minority.

2. Priority funding by the U.S. Office of Education for Mexican American education programs.

3. An intensive program of information on the educational plight and needs of the Mexican American.

4. Funding of research activity to determine the most effective directions for Mexican American education.

LANGUAGE AND CULTURE

Dr. Jorge Lara Braud, the distinguished director of the Hispanic-American Institute in Austin, Tex., summed up the educational dilemma of Mexican Americans in Texas, in a recent paper. He wrote:

Mr. URIEGAS (reading).

There is something alarming about the massive failure of the public school system of Texas when it comes to the education of the Mexican-American. The failure, I submit, is not necessarily deliberate. It would have taken a conspiracy of geniuses to devise a system so calibrated as to disenfranchise at least one-fifth of the school-aged population of the State. No, it is more rational to suppose that the vast majority of our educators are dedicated, intelligent, and humane.

Rather, the problem lies in the questionable assumption underlying the whole system: The pupils are to be molded in conformity with some commonly agreed-upon image of an "All-Around American Type," the one most nearly resembling the ideal of the white middle-class.

Under such an assumption, Mexican-Americans and other minorities are educable to the extent that they can replicate the ideal. If they do not meet the expectation, it is their failure, not the schools.

MEXICAN AMERICANS: SOCIAL ACTIVISM

Mr. RUBIO. The Mexican American will no longer shoulder the blame. It is not his. He has looked at his barrio school and found it wanting. He wants his children Americanized—but not Anglicized. He will no longer suffer cultural disorientation, nor will he stand by and have his language downgraded.

He will come to the conference table with the words of rational men in an attempt to bring about change in his school—but he will no longer be satisfied with empty promises. He has learned how to organize himself, to lead men, to interpret the law and guidelines, and to avail himself of the services of empathetic men and agencies. Through community organization efforts he has learned the value of cooperative action and the strength of numbers. And he has learned of the boycott.

It does not take a sage to predict that the school boycott will be invoked repeatedly in the coming school year in the Southwestern States of this Nation. Nor that it will lose its spontaneity, and that larger numbers of students will be affected in each walkout.

As for us, we wish that it did not have to come to the instrument of the last resort, but we believe the monocultural, monolingual educator will not be budged in any other manner. His righteousness knows no end.

We will support the boycotter. We believe in his cause; in his right. We will offer technical information and organizational skills as requested and we will seek volunteers and funds to sustain his efforts. We can do no less. The line has been drawn. Ya Basta!

(Exhibits referred to follow:)

[From the San Antonio Express/News, August 1970]

MAPA PLANS NEW STRIKE FOR UVALDE

(By Joy Cook)

UVALDE—School officials jovially predict a "good year," but the tall, lean youth with grinning eyes is set to shatter their hopes.

"Sure, we're going to strike again. The fight's still on," he said, gripping his clammy registration cards and brushing away the beads of sweat.

It was hot and quiet. Registration for fall classes was booming. Hundreds of students—including those 400 or more who had staged a six-week boycott until school's end in May—were signing up for classes.

But their parents, and political and legal advisers were quietly mapping plans for another student strike to come as classes begin next week.

And two whopping $350,000 lawsuits against the all-Anglo school board were ready to be filed this week on behalf of a teacher who was fired and a mother whose five students were flunked because of the spring strike.

The spotlight on Uvalde schools reached as far away as Washington, where angry Mexican Americans told a Senate committee of alleged injustices and warned of spreading boycotts throughout the South Texas area.

School Supt. R. E. Byrom, moving into his sixth year as head of the 3,600-student district, disputed charges of prejudice and flatly said "we have no discrimination in our schools."

"We're planning for another good school year. I think the children will be back in school without any problems," he said.

But Mrs. Frances Ybarra, president of the Mexican American Parents Association (MAPA) with 400 current members, quietly outlined plans for the walkout "as soon as classes begin. We want to show how disappointed we are with the board."

And MAPA leaders revealed they had asked the Mexican American Legal Defense and Education Fund to file two lawsuits next week in federal court in Del Rio or San Antonio.

One suit reportedly would be on behalf of Josue George Garza, an elementary school teacher whose contract was not renewed last spring allegedly because he was "uncooperative."

Garza, who is presently "selling peanuts" for a living, had been a candidate for county judge in the Democratic primary in Uvalde and contended his rights were violated by the board's dismissal.

The second suit will be filed on behalf of Mrs. Genoveva Mornles, mother of

nine whose five school-age children were failed because they participated in the boycott.

That suit would charge the school board with failure to live up to federal regulations requiring them to "take affirmative steps to help minority children."

A key issue in interpretation was involved on that point—with a hassle over whether discrimination involves actual discrimination or also encompasses a failure to make positive remedies.

The boycott, by some 400 to 600 students, ended in a stalemate at the end of school, and all participants flunked because of absences.

MAPA spokesmen contended their lists of demands—both 14 original points presented in April and a set of new demands presented Aug. 11—had been "discarded" by the school board without answer. Mrs. Ybarra said, "Sometimes I feel like I'm behind the Iron Curtain—they are so hard, so cold."

"The board has given them several hearings," disputed Frank Miller, a new addition to the seven-man board.

"Each time we discussed the points with them, and then the next time it was as if we had never discussed anything at all—they would just bring them up again and again."

Board President C. A. Dishman, a six-year veteran of the school board and a rancher-feedlot operator, contended the group had been "more than fair." He accused MAPA of "continuing to seek out minor things to demand; not acknowledging anything that has been done or is being done; continuing to make impossible demands like rewriting Texas history books, which we cannot do."

Dishman also contended MAPA "represents a very small minority of the Mexican American people in Uvalde and how much support they get for their boycott efforts remains to be seen. We understand that many of the Mexican-American families are fed up with their claims and protests.

Many issues were at stake in the "demands" presented by MAPA to the board, and bad feelings were not smoothed over greatly by a "satirical" proposal at the recent board meeting by Gordon L. Erkfitz outlining points on behalf of the "German American Parents Association" and demanding special considerations.

"It was done to belittle us—it's very clear," Mrs. Ybarra said, referring to GAPA "demands" for teaching German in the schools and other items which she said "mocked" the MAPA programs.

Erkfitz contended he was sincere in presenting the proposals because he wanted to call attention to his belief that "no ethnic minority has any special lease on poverty . . . (and) that the color of a person's skin, their last name, religious beliefs, the language of their forefathers, or any other phony alibi, should not be used as an excuse for failure."

The school board president, Dishman, said he thought the Erkfitz proposal was "satirical, but I feel the intent was purposeful—to show that no group deserves special considerations."

"Now you know how racist they really are in that town," said Gabriel Tafolla, a long-time Uvalde resident, former teacher and leader of the Mexican-American movement.

"I really look for some trouble in September because of this. Things are really tense," he said. "But I hate to see it go that way."

Tafolla, who said he was staying out of the limelight in the MAPA fight this fall, said he had been fired from one job and was unable to get any employment because of his militant efforts. He presently is working in Austin, training minority groups in community development for a corporation.

"Things are going to change in Uvalde. These Anglos have been in power for 150 years, even though we have 61 percent of the people there. Reason we haven't elected any officers, so far, is that 70 percent of the Mexican American population is under 18. But things are going to change, Tafolla said.

Bilingual education had been—and continues to be—a key issue in the outline of Mexican American group proposals. Uvalde school officials, however, contended that their federally financed, $330,000 experimental Follow-Through program tied with Head-Start studies "is far more sophisticated than any bilingual program devised."

That program provides special language, reading and math instruction tailored for small groups of elementary school students.

Supt. Byrom said the plan "teaches the children English and they already know Spanish, so it is better than a bilingual type project, we feel."

Other demands which were refused included providing a Mexican American

Studies course for high school students and including in Texas History courses information on contributions by other minority groups.

"We just teach it as it is. Just as it is laid out for us in the textbooks under the state-approved plan. If the Texas Education Agency approves a Mexican-American course, then fine, we'll consider it," the school superintendent said.

Byrom said he had accepted a MAPA proposal that several Mexican American cultural books be added to the school library, however. He added: "We have no objections to this."

He said the school board did refuse student requests to make Sept. 16, the date of Mexican Independence, a school holiday, and said the board had no power over another request to provide traffic lights on certain thoroughfares because "that is up to the city and the highway department."

Both Byrom and Dishman and several other board members repeatedly stressed that they could not possibly grant the chief demand—that they not punish the striking students in any way.

"They missed the entire final six weeks and their final semester examinations. That is two out of the four grades which are averaged for the term reports, so there is no way they could have passed," Byrom explained. "We repeatedly explained this to them."

Another key request in the latest group of proposals from MAPA was that students who had been retained in their previous grade level because of the strike should be allowed to participate in athletics.

"The board has had a long-standing policy on this. Failing students have always been permitted to participate in eighth grade and B-team athletics, and the boycott students will be also.

"But we have no control over varsity play. The University Interscholastic League governs that, and it provides that any students failing three subjects or more cannot play in interscholastic competition," Byrom explained.

After the students were failed because of the boycott, MAPA asked for summer school courses to be provided so the youngsters would not have to lose an entire year. The school board agreed, but only if tuition were paid by those attending.

"We just could not accept that—most of the people don't have that kind of money. Many of the students have to work in the summers to make enough money to keep going to school in the fall, even," Mrs. Ybarra explained.

A MAPA proposal for volunteer teachers to operate the summer program similar to a holiday school run during the Crystal City boycott with teachers from throughout the state teaching was rejected. Supt. Bryom said with volunteers the board would have had no "control over the teachers, no guarantee they met our standards."

The superintendent said another demand asked that the board not dismiss teachers because of their political activity, and added, "we do not." He skirted the issue of Garza's dismissal, however.

He said another demand for the firing of the principal at one elementary school had been eliminated because the board adopted "a new policy" of rotating the four elementary school principals every three years. That policy, adopted this summer, "will strengthen the school system and not get one principal too firmly entrenched in his ways in one place," the superintendent said.

Bryom contended he had never refused to hire any "qualified" Mexican American teacher, despite comments to the contrary from MAPA leaders.

He said the board "heartily is in favor of this," but admitted he had hired only five Mexican-Americans out of some 25 new teachers added to the staff this fall.

"We hire everyone who qualifies and applies. But that is our problem—finding qualified people," he said.

Bryom admitted that only about 15 per cent of the more than 200 teachers in the school system are of Mexican descent. But, he added, "we have 80 teacher aides and nearly all are Mexican American."

He said no Mexican Americans had been hired as counselors or principals, but Mrs. Alice Martinez was named to head the Follow Through programs.

Bryom said the hiring of 25 new teachers marked about an average turnover for the district, since seven teachers had retired. He said "none are leaving because of the boycott problems.

"In fact, I've had more applications for jobs than ever since I've been here," he said.

Bryom and all the school board members stressed that they had cautioned the teachers against any recriminations against boycott students who had returned to classes. As Dishman put it, they were told to "treat the youngsters as the returning prodigal sons."

Mrs. Ybarra said she and MAPA members "hope the teachers won't cause any troubles, because we know our students won't. We have gone five months without any violence and misunderstandings, aside from the boycott. We want things to stay that way."

But she and others, including Mexican-American leaders who testified in Washington before U.S. Sen. Walter Mondale (D-Minn.) and his committee on Equal Educational Opportunities, were bitter over the "flagrant" use of Texas Rangers in a show of law enforcement power throughout the student demonstrations.

However, attorney Taylor Nichols, a board member, said he did "not feel the Rangers were intimidating students, but rather were there at the request of local law officers because they were faced with a rather explosive situation and they wanted to have them available to quell any problems that might arise.

"Perhaps the success shown in that move is that there were no acts of violence," he added.

Even the testimony before the Mondale committee drew the ire of Uvalde school board members. According to board president Dishman, Mondale visited Uvalde for a few hours last month.

"But he never gave us a chance to speak to him. He went straight to MAPA and did not contact a single school board official. He just took MAPA as the gospel. I feel that is very irresponsible," Dishman said.

Among those testifying before the Mondale committee was Jose Uriegas, a former Uvalde city councilman who is now on the Texas State Advisory Committee for Civil Rights in Austin.

He testified about events leading up to the boycott, and noted that immediately after the walk out several youths were immediately reclassified by their draft boards and inducted into the Army.

In Uvalde, Miss Ruth Webb, executive secretary to the Selective Service Board, confirmed that "eight or 10" boys were drafted after the board determined they were not in school. She said it was "cut and dried—there are no grounds for a student deferment if you are not in school."

While prospects of averting a student walkout again this fall seemed dimmer, efforts to find a common meeting ground continued.

School board members were asked to meet with church leaders from throughout the area sometime this next week for an off-the-record "briefing" session.

The church group had tried unsuccessfully to mediate in the dispute last spring when boycotting students used church property to hold strike classes.

The situation in Uvalde was important—not only for that town itself, but as a weathervane for the rest of South Texas as well. For some observers feel that "as goes Uvalde, so goes South Texas" in the Mexican-American and Anglo political waltz.

Exhibit I

Uvalde School Boycott Documents

TABLE I.—Uvalde Independent School District, Uvalde, Tex., Mar. 2, 1970

I. Number of Students by School

School	Anglo	Mexican-American	Negro	Total	Percent Mexican-American
Anthon	14	441	0	455	96.9
Benson	161	205	2	368	55.7
Dalton	434	132	0	566	23.3
Robb	58	536	7	601	89.1
Junior high	250	321	1	572	56.1
High school	442	460	6	908	50.6
Special education	18	84	0	102	82.3
Total	1,377	2,179	16	3,572	61.0

II. Number of Students by Grade

Grade	Anglo	Mexican-American	Negro	Total	Percent Mexican-American
1	79	224	1	324	75.3
2	123	277	4	404	68.5
3	123	229	2	354	64.6
4	125	209	1	335	62.3
5	99	186	1	286	65.0
6	118	169	0	287	58.8
7	114	175	1	290	60.3
8	136	146	0	282	51.7
9	121	130	1	252	51.5
10	124	140	1	265	52.8
11	92	89	1	182	48.9
12	105	101	3	209	48.3
Special education	18	84	0	102	82.3
Total	1,377	2,179	16	3,572	61.0

III. Systemwide Percentage of Mexican-Americans

Grades:	*Percentage*
1 to 6	66.0
7 to 8	56.1
9 to 12	50.6
Total	61.0

TABLE II.—Federal Moneys

Adult vocational education	$2,352.11
NDEA III	2,366.00
NDEA V	610.00
ESEA I	132,880.72
ESEA II	3,924.23
Migrant preschool	27,820.00
Migrant construction	28,570.30
Migrant children	85,737.58
Headstart	76,162.69
Followthrough	162,000.00
Vocational education—Travel	9,747.95
Total	552,171.58

TABLE III

School	Administrators		Teachers		Aides		Teacher/Pupil Percent	
	Anglo	M-A [1]	Anglo	M-A [1]	Anglo	M-A [1]	Anglo	M-A [1]
Uvalde High	2	0	46	2	1	0	96.1	50.7
Junior High	1	0	23	3	5	0	43.9	56.1
Anthon	1	0	16	1	9	11	94.0	97.0
Benson	1	0	15	1	6	1	93.8	56.0
Dalton	1	0	22	0	5	0	100.0	23.3
Robb	1	0	17	5	8	14	77.3	90.0
Followthrough	0	0	7	2			77.8	98.0
Migrant preschool	0	0	4	0			100.0	98.0
West Garden					2	9		
Remedial reading	0	0	3	0			100.0	98.0
Headstart	1	0	6	2			75.0	98.0
Special Education	1	0	9	1	0	1	90.0	82.3
Sacred Heart	0	0	0	0	0	2		
Administrative office	2	0						
Total	11	0	168	17	36	38	81.0	61.0

[1] M-A—Mexican-American.

Percentages:

Anglo administrators	100
Mexican-American students	61

[From the Corpus Christi Times, Nov. 16, 1970]

HEW Report on Uvalde Schools Due Discussion

Uvalde.—A Mexican-American parents group scheduled a meeting tonight to discuss a federal report that says the Uvalde School District discriminates against the Spanish surnamed.

The report, issued Sept. 16 by the Department of Health, Education and Welfare's regional office in Dallas, says the school district is in "probable noncompliance" with the 1964 Civil Rights Act.

Taylor Nichols, school board president in this small Southwest Texas town, declined to comment on the report.

He also declined to comment on the school district's formal reply to the report, which was made available to newsmen by Uvalde residents who received a copy of it last week.

Between 400 and 600 Mexican-American pupils boycotted classes here in a six-week strike that lasted through the end of the semester last spring.

Members of the Mexican-American Parents Association, who have filed suit against the school board, say they have not received a fair hearing on the issues in the strike, although they returned their children to class this fall.

Mrs. Genoveva Morales, president of the parents association, said the group will discuss the HEW report tonight.

The report closely parallels charges made by the boycotters last spring. Based on a review of the 3,600-pupil district by an HEW team in June, it cites alleged volations of the anti-discrimination section of the civil rights act.

The findings included:

A "high percentage of segregation is found in classes at Uvalde High School."

All the pupils who took part in the spring boycott were failed, "although many still had passing grades and had attended the minimum number of school days required by state standards."

61 per cent of the district's pupils are Mexican-American, but there is no bi-lingual program.

Pupils are grouped at Uvalde Junior High School "in a way that maximizes segregation within the school."

The school district has "historically and traditionally labeled and identified at least one school in its system as the 'Mexican school,' from as early as 1907 to the present."

Two elementary schools are identifiable as Mexican-American schools.

The school system's construction program has "enhanced rather than eliminated the racial and national origin identity of its schools."

The district "appears to assign bus students to schools where their race is in the majority."

Race, color or national origin "is, and has been, a factor in the employment of a professional staff," with no active recruiting among minority groups.

The report was sent to Uvalde residents late last week by the Senate Committee on Equal Education Opportunities under the mailing permit of its chairman, Sen. Walter Mondale, D-Minn., who inspected the Uvalde situation this summer.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE,
REGIONAL OFFICE,
Dallas, Tex., September 16, 1970.

Mr. R. E. BYROM,
Superintendent, Uvalde Independent School District,
Uvalde, Tex.

DEAR SUPERINTENDENT BYROM: Thank you for the courtesies extended to members of my staff who visited you on June 15–19, 1970.

As members of the team advised you, the purpose of that visit was to gather additional information to supplement data obtained during the preliminary review of April 22–24, 1970, in order to more adequately assess your district's posture of compliance with Title VI of the Civil Rights Act of 1964.

Findings resulting from this review indicate that your district is in probable noncompliance with Title VI of the Civil Rights Act of 1964, and the Assurances of Compliance, HEW Form 441, which your district submitted to this Department, in the following areas:

A. STUDENT ASSIGNMENT

1. The Uvalde Independent School District is currently operating two elementary schools that are identifiable as Mexican-American schools. Anthon Elementary, with a total enrollment of 485, houses 475 (95%) Mexican-American scholastics while Robb Elementary, with a total enrollment of 531, houses 488 (91%) Mexican-American scholastics. These two schools together contain 72% of all Mexican-American elementary students in the district, while two other elementary schools, Dalton and Benson, enroll 92% of the Anglo elementary scholastics in the district.

2. The Uvalde School District has historically and traditionally labeled and identified at least one school in its system as the "Mexican School." Board Minutes, as early as 1907 and throughout the 1920's, 1930's, and early 1940's, reflect many references to the "Mexican School." This early pattern of identification and segregation has probably contributed to the perpetuation of the duality which continues to exist in the elementary grades.

3. The school system has followed a construction program that has enhanced rather than eliminated the racial and national origin identity of its schools. In 1937 Robb Elementary School was constructed on a site that reinforced the isolation of Mexican-American students then attending West Garden Elementary School (100% Mexican-American), who were reassigned to Robb. This same year Dalton Elementary was constructed in the extreme northeast section of town on a site that insured its inaccessibility to Mexican-American students and at the same time assured attendance there of a predominant portion of Anglo elementary scholastics. In 1966, despite parental objection of Mexican-Americans, and the recommendations of a Texas Education Officer that a site for construction of a new elementary school be selected in the north part of town, the school board built Anthon Elementary in the center of a population pocket consisting of 95% Mexican-Americans.

4. The district appears to assign bus students to schools where their race is in the majority. During the 1969–70 school year, 290 elementary school students were bussed to the four elementary schools in the system. Two hundred and twelve (212) students were assigned to schools where their race or national origin was in the majority. Mexican-American schools, Anthon and Robb, received 45 and 15 Mexican-American students respectively, while Dalton (73% Anglo) received 152 Anglo students notwithstanding the fact that most of these students rode busses that stopped at two or three of the elementary schools. Since the district's policy is to assign students to each of the four elementary schools, to balance student loads, it seems altogether possible that assignment of elementary

school children could also be done in a way that would minimize the existing concentrations of one racial or national origin group in each of the four elementary schools.

B. FACULTY

1. Race, color, or national origin is, and has been, a factor in the employment of professional staff, in that:

a. The district does not engage in an affirmative recruiting program for minority teachers.

b. Of the 11 colleges most commonly mailed letters listing the district's vacancies, only 3 are major sources for recruitment of Mexican-American teachers. None are major sources for recruitment of Negro teachers.

c. Historically, the district has operated predominantly Mexican-American schools as early as 1907, yet, prior to the 1953–54 school year, only 2 Mexican-American teachers were employed by the district, one in 1907 and one in the early 20's.

d. Of the 184 full-time classroom teachers currently employed by the district, only 15 are Mexican-American (8.2%), whereas the Mexican-American student population is 61.0%.

e. The ratio of Anglo teachers to Anglo students is 1 to 97.7, whereas the ratio of Mexican-American teachers to Mexican-American students is 1 to 167.6.

f. Of the 6 full-time principals currently employed by the district, none are Mexican-American. The district's lone vice principal is an Anglo. Historically, Board Minutes reveal that the district employed 1 Mexican-American principal for the 1963–64, the 1964–65 school years and did not renew his contract at the close of the 1965–66 school year. Since that time, no Mexican-American principal has been employed by the district. No Mexican-American has ever served as a vice principal.

g. Of the 3 Counselors in the district, none are Mexican-American.

h. Of the 5 Special Services Personnel in the district, only 1 is Mexican-American.

i. Of the 9 Central Office Staff Members, only 1 (a tax collector field man) is Mexican-American.

j. Of the 4 Librarians employed by the district, none are Mexican-American.

k. Of the approximate number of 244 vacancies and new positions in the district from 1948–1970, only 29 or 11.8% are filled by Mexican-Americans.

l. At least 7 of the 30 Mexican-American applicants for teaching positions in the district for 1969–70 were certified, yet only 4 were employed.

m. Of the 31 substitute teachers in the district, only 2 were Mexican-American.

n. Of the 12 teachers employed in the Summer School Remedial Programs 1970, none were Mexican-American.

o. Of the 7 Headstart teachers, only 1 is a Mexican-American.

2. Race, color, or national origin has been, and yet appears to be, a factor in the assignment of teachers in that, of the 8 Mexican-American teachers on the elementary level, not including Special Education and Headstart, 6 are assigned to Robb Elementary School. No Mexican-American teachers are assigned to Dalton Elementary School.

3. It appears that race, color, or national origin has been a factor in the employment of Para-Professionals, in that:

a. Of the 10 secretaries employed by the district, only 1 is a Mexican-American.

b. Of the 7 cafeteria managers, none are Mexican-American.

c. Of the 11 bus drivers employed by the district, only 2 are Mexican-American.

C. EQUAL EDUCATIONAL OPPORTUNITIES

1. Although 61% of the students in the district are Mexican-American, the district does not have a bilingual program. As a substitute for a bilingual program, the district is using a Follow Through Program supervised by the University of Chicago. A review of this program revealed that:

a. The program was carried out in Grades 1 and 2 at Robb and Anthon Schools.

b. The Follow Through curriculum stresses a simplistic approach to reading that does not parallel the approach used in a regular classroom.

c. No bilingual instructional materials are used in the Follow Through Program or in the regular classes.

2. There is a miniminal number of bilingual teachers in the district:

a. Only 6 of 24 teachers at Robb Elementary are bilingual, one in each grade.

b. The Anthon Elemetary, which is almost 100% Mexican-American, has only 1 bilingual teacher.

c. Two teachers at Benson are bilingual.

d. One teacher at Dalton is bilingual.

3. The following disparities in facilities between Robb Elementary (91% Mexican-American) and Dalton Elementary (63% Anglo) were noted:

a. Two rooms added to a brick wing at Robb in 1969 were constructed of aluminum, whereas a new wing added to Dalton in 1968 was constructed of brick.

b. Restroom facilities for the four portable classrooms at Robb are not easily available to students.

c. Dalton Elementary is better maintained and more attractively landscaped than Robb.

4. Notices and communications of significant importance to parents are not sent to Mexican-American parents in a language other than English.

5. Eighty percent of the students in Special Education classes are Mexican-American, but many Mexican-American parents appear to be uninformed about the program.

a. Special Education forms are printed in English only.

b. Some Mexican-American parents claim that they were misinformed about the length of time their children would remain in Special Education classes.

c. Some Mexican-American parents claim they had never been informed as to why their children were classified as Special Education students.

6. Students are grouped at Uvalde Junior High School in a way that maximizes segregation within the school.

a. Top classes at Junior High School are from 70% to 90% Anglo.

b. Remedial classes are from 75% to 90% Mexican-American.

c. Spanish classes in the seventh grade are almost totally segregated.

7. A high percentage of segregation is found in classes at Uvalde High School.

a. Spanish classes are totally segregated between Mexican-American and Anglo students.

b. All high school English, Science, and Math classes are predominantly Anglo.

c. All Basic English, Math, and Science classes are predominantly Mexican-American.

8. All of the students who have participated in the school walkouts were not promoted, although many had passing grades and had attended the minimum number of school days required by State standards.

Under Title VI and the Regulation (copies enclosed), school systems are responsible for assuring that there is no discrimination against students on the grounds of race, color, or national origin in the organization or operation of

their schools. This responsibility for eliminating discrimination extends to the manner in which the school system's educational programs and activities are organized, school construction is planned, and students are assigned to schools.

I request, therefore, that you consider with your school board the findings contained in this report and that you respond within 15 days after receipt of this letter as to what course of action you will undertake in the current school year to comply with Title VI of the Civil Rights Act of 1964. In addition, please indicate what steps you propose to undertake in remedying those deficiencies noted above which are violative of the May 25, 1970 memorandum (copy attached) recently mailed to districts with more than 5 percent national origin-minority group children.

In the event we do not hear from you by the designated date, this office will have no alternative but to refer your district's file to our Washington Office with a recommendation that further action as appropriate be undertaken.

I sincerely hope that the problems regarding the compliance status of your district may be quickly resolved without undue hardship. If you have any questions, or if this office can provide you further assistance, please contact me at 214–749–3301.

Sincerely,

DOROTHY D. STUCK,
Regional CR Director.

Exhibit B

TYPICAL SETS OF DEMANDS

UVALDE, TEX.

It is relevant that within the school system exists some inequities that should be corrected or eliminated. It is also relevant the administrators themselves avoided the issue completely so our alternative is to resort to a walk-out to try to correct these inequities.

It has been brought to our attention that Mr. George Garza has been denied a renewal of his contract for no justifiable reason. Since we the students have seen and realized Mr. Garza's potentials and abilities, which are an asset to our being, we are forced to ask the school board to take action on the renewing of Mr. Garza and the contract which up to now has been ignored and denied.

We also demand that the following items be considered and acted upon:

1. It is stated in the United States Constitution that in our country an individual has the freedom to seek justice and his well-being, therefore the students who have participated in this should not be punished or reprimanded in any form or fashion for their just causes which are being demanded.
2. It is also relevant that the principal of the Robb Elementary School is not capable of holding the position that he has. Therefore we demand his resignation;
3. The grade level in Uvalde is very low considering our grade level with the Anglo in our community. Therefore we see it fit to demand that bi-lingual education be incorporated into the primary grade curriculum;
4. It has also been brought to our attention that the contribution of the Mexican-American to this society and culture has not been given proper recognition. Therefore, we also demand that the textbook be revised as well as teaching methods in order to properly reflect our contribution to the "Anglo" dominated society.
5. We also see it fit to demand that if any teacher in the system disagrees politically or philisophically with the establishments view, that they not be dismissed nor intimidated;

6. There have also been complaints by students that they have been ridiculed by their teachers because of their language barrier and also of their culture. Therefore, we see it fit to demand that every teacher, administrator and member of the staff be educated so that they know our language—Spanish—and be able to pronounce our names correctly, understand our history, tradition, and contributions of Mexican-Americans. Now can they expect to teach us if they do not know us? We also demand that more Mexican-American teachers be hired.

7. We want September 16 as a holiday, but if this is not possible, we want an assembly with speakers of our own. We feel that it is a great day in the history of the world because it is the date when the Mexicans were liberated from the harsh rule of Spain. Our ancestors fought in this war and we owe them tribute because we are Mexicans too;

8. Being civic minded citizens, we want to know what the happenings are in our community. We therefore demand the right to have access to all types of educational literature, and to be able to bring it on campus.

9. It is also demanded that a course on Chicano education with the value of full credit be offered in the High School.

10. Any and all nominations and elections done while the Mexican-Americans were out should be declared invalid.

11. Since in the last four years only five Mexican-Americans have been chosen to "Who's Who," it is plain to see that the prejudice lies with the teachers; we demand that the elections to "Who's Who" be left to the student body.

12. We demand a Mexican-American counselor be hired at Uvalde High School and Junior High so the Mexican-American may benefit.

13. Seeing that the majority of students at Robb Elementary are Mexican-American, we demand a Mexican-American principal.

14. All students who participated in the walkout should be allowed to make up work missed with the teachers help.

LIST OF DEMANDS

We, the student body of Edcouch-Elsa Junior and Senior High School, demand of the officials and administrators:

1. That no disciplinary action be taken against any student or teacher that has taken part in this movement and that all suspended students and teachers be re-instated to their previous post or office and that any mention of such action omitted from school records. Also all intimidations should stop.

2. That no threats, intimidation or penalties be made against any student by teachers or administrators for membership or attendance of meetings of any club or organization outside of school.

3. That the students be allowed to select their own candidates for Student Council—it should be the students Student Council.

4. That excessive and unfair penalties and punishments stop being given students for minor infractions or completely ridiculous reasons, for example:

(a) Student suspended *three days* for failure to keep appointment with teacher after school.

(b) Student suspended for *three days* for failing to stand at school pep rally!

(c) If something (shorts, tennis shoes) are stolen from lockers the students are punished (paddled or sent to do manual labor) *for not being able to suit up!*

Likewise, that due process be followed in cases of suspension or expulsion of students, that is, that a student be given opportunity to defend himself and that evidence be presented to both administrators and parents. Also no paddling should be given student until explanation for punishment be given to parents, if students request such explanation.

5. That no teacher or administrator shall use profanity or abusive language in presence of students and in no case shall any teacher or administrator lay a hand on a student.

6. That, in the case of tardy or absent students, the students be allowed to re-enter class and no points taken off *until* his excuse is verified or not. Students should not be kept out of class till parents call school.

7. That either the price of the cafeteria lunch be lowered to a more reasonable price or that more and better foods be served.

8. That, as Chicano students, we be allowed to speak our mother tongue, Spanish, on school premises without being subjected to humiliating or unjust penalties.

9. That courses be introduced, as a regular part of the curriculum, to show the contributions of Mexicans and Mexican-Americans to this state and region. For instance, factual accounts of the history of the Southwest and Texas, courses in Mexican History and culture. Also, that qualified, certified teachers be hired to teach these courses.

10. That all college preparatory courses be signalled out for students by the time they enter high school.

11. That more effective counseling be given students from understanding counselors that are able to relate to students. Present student-counselor ratio is to great, we need more counselors. Likewise, more assemblies on career opportunities, availability of scholarships, grants, loans, college entrance requirements, etc.

12. Finally that the blatant discrimination against the Mexican American students in this school stop immediately. We demand Justice.

13. That regulations for "passes" be set down clearly and defined so that no question remains as to when passes are needed or not. The present system, or lack of it, is ridiculous.

14. That special attention be given the situation a great number of Edcouch-Elsa students find themselves in—that is, they are migrant workers.

(a) Student choices of subjects in spring registration be respected and adopted in the fall term, these subject forms are often disregarded.

(b) Migrants leave school early, they take part in an accelerated program. Advance tests are supposed to be given before they leave. Often teachers do not let migrants take tests or do not send tests to students up north after them. All tests should be given to migrant students before they leave.

15. That school facilities be improved, renovated, replaced or installed where appropriate. For example:

(a) Fans—Teachers often use fans only for their own comfort, ignoring students.

(b) Heaters—The heaters are for the most part outdated and not in working order. We need new heaters.

(c) Restrooms—Some of the restrooms and toilets are not cleaned and inoperable, constantly out of repair.

(d) Windows—Fix broken windows.

(e) Walls—Repair holes in wall. Give school buildings a facelifting.

(f) How about Hot water for the showers.

We want to be proud of our school.

RECOMMENDATIONS

1. Teachers have been driving buses for the district up till now. We recommend that either students, senior students, or townspeople be hired to fill these positions.

2. We recommend that longer periods of time be given to get to classes between classes. Five minutes would be sufficient.

STUDENT COMMITTEE,
November 7, 1968.

Exhibit C

A Rough Profile of School Boycotts in Texas

School	Date of walkout	Duration	Reason(s)	Number involved	Demands	Results	Miscellaneous information
Edcouch-Elsa High School, Edcouch-Elsa, Tex	Nov. 14, 1968	Jan. 6, 1969	(1) Failure of school board to call special session to hear student grievences. (2) Discrimination charged.	200	(1) Removal of no-Spanish rule. (2) Courses in Mexican-American history. (3) No disciplinary action against boycotters.	(1) Spanish rule dropped. (2) Mexican-American studies instituted. (3) Students returned to school with no disciplinary action as a result of a court order.	90 percent of the student body is Mexican-American.
Abilene High School	Oct. 20, 1969	9 days	(1) Spanish rule. (2) Discriminatory practices.	1,500	(1) M–A teachers. (2) Drop no Spanish rule. (3) No disciplinary action against boycotters.	(1) School board promised to hire more M–A teachers. (2) School Board met most of 11 demands.	
Crystal City, High School, Crystal City, Tex.	Dec. 9, 1969	4 weeks	(1) Alleged discriminatory practices. (2) School board refusal to discuss complaints.	1,800	(1) Bi-lingual-bi-cultural program. (2) M–A teachers recruiting instituted. (3) Discriminatory policies removed.	(1) School Board met demands.	Four Mexican-Americans elected to the school board in next election. Mexican-American appointed superintendent of schools.
Uvalde High School, Uvalde, Tex.	Apr. 14, 1970	6 weeks/still in progress.	Denial of contract to popular M–A teacher for "no justifiable reason."	550	(1) Bilingual/bicultural education. (2) M–A teachers. (3) Course on M–A history.	Unresolved	
Bowie High School, El Paso, Tex.	Threatened walkout on Nov. 29, 1968.	0 days	No-Spanish rule/Spanish detention.	0	Drop no-Spanish rule/drop Spanish detention.	Rule dropped/Spanish detention abolished.	
Gillett Junior High School, Kingsville, Tex.	Apr. 14, 1969	Apr. 17, 1969	Alleged racial discrimination.	150	(1) More Mexican-American Teachers and Counselors. (2) Courses in Mexican-American history. (3) Abolish Spanish rule.	No concessions. Slowly hiring more Chicano teachers. Arrested 110 students.	70 percent Mexican-American enrollment.
Sierra Blanca School District, Sierra Blanca, Tex.	Apr. 23, 1968	2 weeks	Teacher brutality	100	(1) Lack of proper representation on School Board. (2) Lack of Mexican-American teachers and counselors. (3) Rehire dismissed teachers. (4) Separation of Mexican-Americans into hall classrooms. (5) Speaking Spanish.	1 vacancy on school board filled with a Mexican-American.	School did not hold graduation that year. Controversy over fired teachers continued.

Exhibit D

A SETTLEMENT IN CRYSTAL CITY, TEX.

[From The San Antonio (Tex.) Express, Jan. 6, 1970]

AGREEMENT TO END BOYCOTT IS REACHED

CRYSTAL CITY.—Boycotting Mexican-American students are expected to be back in their regular classes here Tuesday morning after approval Monday by pupils, parents and school officials of a list of conditions. For some of the students, Tuesday will be their first day in a regular classroom since Dec. 9, 1969.

The huge walkout, spurred by alleged discrimination against Mexican-Americans attending the school system, at times included from 1,000 to 1,800 pupils, depending on the source used for the estimate. Included were pupils from all levels of the 2,850-student school system.

Negotiated in three main marathon-length sessions between school officials and representatives of the boycotters, the five-page agreement provides that:

"Contacts with the Texas Education Agency (TEA), already partially initiated by the Crystal City school authorities, will be vigorously pursued in order to facilitate the availability of qualified education specialists to help establish an acceptable program (bi-cultural and bi-lingual) subject to funding availability."

A 10-member parents advisory committee will be formed, composed of eight Mexican-American and two Anglos to be selected by high school students. (More than 80 percent of the students are of Mexican-American descent.)

The practice of applying a two-point per day penalty for unexcused absences will not apply to the boycotters and that students may make up missed three-week and six-week tests during regular class periods. Students who attended regular classes may drop an equal number of grades as those missed by students who participated in the boycott.

The school board acknowledges the probable existence of inequities in the administration of tests designed to measure school entry readiness and the TEA will be requested to provide suitable technical assistance.

The board will make contact with the proper agency to seek corrective measures in overcoming patterns of ethnic isolation including the allegations that Anglo children in certain grades are not found in lower achievement sections contributing to patterns of artificial ethnic separation.

Most representative student honors will be designated as faculty student representatives in the school yearbook.

Election of cheerleaders will be by the student body and only one baseball sweetheart will be elected by members of the team rather than two (one Mexican-American and one Anglo) as in the past.

Prom servers will be elected by the junior class from one list of all sophomore students without regard to ethnic grouping.

Twirlers and drum major for the band will be elected by a panel composed of four non-resident band directors and four band members elected by the band students.

Specific complaints against certain school personnel will be noted by the board and will be given consideration at time of contract renewal.

Availability of additional counseling personnel will be explored. If funds are available, a qualified bi-lingual candidate will be recruited and employed.

Sept. 16 (Mexican Independence Day) will be observed with a suitable assembly program during the last regular high school class period of the day. Such assemblies will include participation by the entire junior and senior high student bodies.

The superintendent will examine the extent and nature of alleged inequitable ethnic distribution of students regarding to size of classes.

Inadequate shower facilities are acknowledged by the board, and the problem will be rated as a high priority need among facility improvements under consideration.

School facilities will be opened for student usage following regular classes on Monday, Tuesday and Thursday evenings.

Both parties (school and boycotters) agree it could be anticipated that the alleged pressures of faculty members designed to inhibit expression of views or partisan support in connection with controversial issues could be resolved through establishment of a grievance procedure.

The board will take appropriate action to see that the school newspaper reflects the highest possible standards of professional journalism including the regular presentation of divergent viewpoints.

The student council will be requested by the school administration to examine the present student handbook provisions regarding clothing styles and to recommend to the board suitable provisions in keeping with currently acceptable styles and fashion.

Physical education students will be given an option as to whether they will participate in regular physical education classes or to assist in cleanup activity on the activity fields and elsewhere on school property. (Students had been used at times to help clear paper and such from activity fields following games.)

The agreement was signed by E. F. Mayer, president of the Crystal City School Board; Robert Greenwald, a representative of the Community Relations service of the U.S. Department of Justice; and by five parents and five students representing the boycotters. Greenwald had served as a mediator between the two sides in the controversy.

School Superintendent John Billings said that "only time will tell" what effect the agreement will have on the school district.

[From the Uvalde Leader-News, Uvalde, Tex., May 10, 1970]

PARENTS ASSOCIATION OF MEXICAN-AMERICANS EXPLAINS OBJECTIVES

(Editor's Note: The following article was presented the Leader-News with this preface: "This article was prepared by the officers of our organization and it's our efforts to show our feelings and our interpretation of the situation.")

As a result of the current walkout there has been formed in Uvalde the Mexican-American Parents Association. This organization has pledged as its purpose "to prevent any similar situations in the future that would result in a school walkout and to help anyone of our people that is abused, or that has a just claim against the school system." Its intentions are to do this in the most respectable but also the most effective manner.

Presently its main concern is to bring the walkout to a just conclusion. As a young organization it is faced with many problems, but the determination and the desire of its officers is to help our people and make Uvalde a better community and with these goals it's bound to succeed.

The organization has recognized that before any advancement can really be made to solve the problem it has to first educate a lot of people in this town that are not completely aware of the situation and that have heard and are repeating false accusations towards the walkout group.

The statements prepared for a general meeting of the M.A.P.A. and all interested persons for last Friday's meeting will serve to show how it sees the walkout and why it believes in supporting it.

"It is a sad day in Uvalde when after all these years we have been good citizens, hard working people and friendly neighbors we are again abused. We say abuse because that is what the school board did in dismissing George Garza.

"The school board accuses him of failing to cooperate with his principal. But we can't understand why the board in making this decision cannot consider that on February 23, 1970 a group of parents went before the school board with grievance after grievance against Mr. Shannon and a request that he be removed. These parents know that Mr. Shannon can be a very unreasonable person, and a very capricious one, too. These parents and a lot more people now have come to realize that it was impossible to comply with all the rules Mr. Shannon set up. That is unless one wanted to put their job at stake.

"On February 23, 1970 the board concluded that only 32 persons had signed the petition and could not see reason to dismiss Mr. Shannon. In other words these 32 persons were not even considered. And yet when it came to a program to improve relations and understandings between Mexican-American children and the teachers the school board only heard the request of not more than three anglo teachers that it be removed and it did so. And when it came to dismiss George Garza it only heard the voice of one man, Mr. Shannon. To the board the Mexican-American parents in this community have never been important.

"When at other times groups of Mexican-American parents have gone before the school board with a grievance or concern they have always found the members very rude and indifferent. We have always been made to feel that we are unreasonable before even investigating the problem. They boast they have heard some of our demands—like improving the sanitation at Robb School—but they have a record of only doing those things that are required by law and then taking credit for them.

"The walkout was not caused by any other party other than the school board itself. It is guilty of ignoring the Mexican-American community's problems to the point that many of us no longer want our children in school. What good is an education for, what good is excelling in a career when if they should be employed in Uvalde their success is limited by the whims of people like Mr. Shannon and the members of the school board.

"And what good is an education for if in the eyes of the anglo community a Mexican is a Mexican with the understanding that he will never be anything but poor and ignorant with an ugly culture, always bound to work more for less. The students involved in the walkout believe it's their duty to improve the image of the Mexican-American students and that if it fails it is not worth getting an education.

"The school board has also been guilty of trying through very cowardly ways to intimidate the parents and the students into giving up. They called the Texas Rangers in and a helicopter to boot. The Texas Rangers are once again displaying their arrogance by calling the children and the parents names to their faces always with the intent to provoke incidents of violence. Our intentions were never to hurt anyone but it is evident the school board and the local city officials would like to see us hurt. This is a matter of children and parents against the school board, not a band of militants against the town. Why then the call to arms?

"As for the false accusations of threats to people that would not participate, it is evident that not all the Mexican-American population has participated and we would like to see some true accounts of these people being hurt. Practical jokes have always been played on people and we don't doubt that there have been some in relation to the walkout, but not under the direction of the leaders of the walkout. Children have always been children and are known to misbehave at times, it has not taken a walkout before to make them do this.

"And to those that say the walkout group is not representative of the entire Mexican-American population we must requote what we declared to the press in San Antonio: In Uvalde the Mexican-American has no representation on any level—city, county or in the school board. Here the anglos control 98% of the economy. They are the employers and in Uvalde we still have the fear of getting involved in these things for fear of losing our jobs. That is why we are demanding that George Garza be rehired.

"We want our teachers to be able to defend their integrity and express their opinion without putting their jobs at stake. And we know that in winning this cause we will be winning respect for all our people and maybe that freedom of speech and the right to pursue our happiness that is mentioned in our Constitution.

"We welcome interested persons to come to this organization's officers so that they may understand our views and realize we are pledged to help the community," the Mexican-American Parents Association statement concluded.

Exhibit E

A Boycott in the Making in Lockhart, Tex.

[From The San Antonio (Tex.) Express, Aug. 13, 1970]

News From All South Texas—Lockhart Students Present Demands

Lockhart.—With the opening of school less than 20 days away, the board members of the Lockhart Independent School District have been presented a list of demands by a committee representing Mexican-American students.

Luther Hartman, who succeeded John Billings as superintendent last week, said some of the committee members met with him, Lockhart High Principal

Bobby Roberts and Harry Meyer, curriculum director, after the board meeting.

A deadline of Aug. 21 was set for the board's answer to the demands, which were presented by Fred Sanchez, a high school student.

Aug. 31 is the first day of classes in the Lockhart system.

Board members said that most of the demands presented involved administration rather than policy.

The demands included:

A high school holiday on Sept. 16, Mexico's Independence day.

Employment of more Mexican-American teachers.

Additional books in the library on figures in Mexican history.

A written policy on dress and grooming.

Setting of a policy on the use of Spanish in the schools.

Better counseling services and retention of a bilingual counselor.

Multi-cultural education.

Lowering of the grade level to 80 from the current 85 as a qualification to hold student office.

Establishment of a student grievance committee.

Abolition of a new school policy on boycotts.

Formation of a screening committee of parents to participate in the hiring of teachers.

More bilingual education.

In the informal discussion after the meeting, the school administrators explained they had been trying to hire bilingual names but that many other districts in South Texas also have been doing the same thing which limited the number here. It was explained that there are few vacancies remaining on the staff.

Because of complications involved, it was decided to postpone the discussion on the student grievance committee demand, Hartman said.

School officials said that Spanish could be spoken in the school facilities except in the classroom. They pointed out state law required the use of English in the classroom.

Hartman told the committee members that special recognition of "Diez y Seis" of September would be held on the campus.

Officials said the grooming code would be relaxed to allow sideburns to the bottom of the ear lobes, but hair was not to be over the collar or curled.

John Billings resigned last week as the superintendent. He came from Crystal City, where he had resigned as superintendent effective July 1.

JOSE URIEGAS,
Austin, Tex.

Member of Executive Board of Directors, Southwest Council of La Raza. Member Texas State Advisory Board of the United States Commission on Civil Rights. Former instructor of Elementary, Secondary, and Special Education program in San Antonio and Uvalde, Texas. Project Director for Leo Kramer, Inc., management consultant firm, Washington, D.C.–Austin, Tex. Presently State Training Director for the Minority Mobilization Project—An in-service training program in South and West Texas.

JESUS JOSE (JOE) RUBIO, JR.,
Austin, Tex.

Research Director, Mexican-American Development Corporation, Austin, Tex. Member of the Advisory Committee, Mexican-American Education Study, U.S. Civil Rights Commission. Consultant in Socio-Economic Affairs, Management and Technical Services Department, General Electric Company. Former Director, Southwest Regional VISTA Training Center, Austin, Tex. Former Associate Director, El Paso Community Action Program—Project BRAVO, El Paso, Tex. Former Managing Editor, Southwest Catholic Register, El Paso, Tex. Former instructor of English and History, Father Yermo High School, El Paso, Tex.

Senator MONDALE. I am most appreciative to you for that very fine statement. It is interesting that your testimony was heard by only one Senator and three reporters. This is getting to be the pattern now when we come to Mexican American problems which are also American problems. We have the room packed when we talk about other problems.

MEXICAN AMERICANS: EDUCATION AND DISCRIMINATION

Yet, from every statistic we can find, the second largest minority in the United States underachieves because of the nature of the present system by whatever standards you wish to use—dropouts, test levels, lack of any opportunity to get into the professions. The only area where the Mexican American is consistently granted full access is the draft, and that is rather freely admitted.

Yesterday we had testimony by Dr. Cardenas, one of the few top Mexican American administrators of a school system in the country —the Mexican member of a school board in San Francisco—who has his own doctorate degree, probably knows as much about the problem as anybody.

Another doctor of professional education who is familiar with the Los Angeles schools testified, yet, I think it is fair to say that we didn't get a story in almost any major paper including the Washington papers. There were some cameras here, but they ran out of film. You must say it is frustrating.

We had Dr. Cardenas testify that their tests of the average Headstart students at ages 3, 4, and 5 show these children slipped from an average IQ of 104, to 90 the next year and to 70 the next because of the pressure of deprivation. In other words most of them went from academic ability levels which equipped them for good high school and college work to levels, in 3 years, where they are candidates for subnormal schools.

We have had testimony from other areas confirming these tragic phenomena, but we can't seem to get anybody's attention. According to your testimony in Uvalde where there are patterns of racial and ethnic discrimination which equals that anywhere you find an isolated black as well as Mexican American community and in regard to the latter you have the additional difficulties of the language, and a different culture, which requires immense sensitivity; and yet, there does not seem to be any response.

It just seems as though it is not relevant to this country.

I don't understand it. You have been living with the problem. Both of you have spent a good part of your lives working to improve the system; you want the system to work. I think at one time you were a member of the city council of Uvalde, yet you have found practically no public understanding and, I fear, interest in this problem.

I must say it is very disheartening.

MEXICAN AMERICANS VERSUS UVALDE

Mr. URIEGAS. I would like to add, Senator, out of the students who are dropping out or getting out of school in Uvalde, nine Mexican Americans from the communities in barrios in Uvalde have died in Vietnam. No Anglo from Uvalde has died in Vietnam.

Senator MONDALE. That is the home of "Cactus Jack," is it not?

Mr. URIEGAS. Yes, sir.

Senator MONDALE. How many Mexican American lawyers or doctors have been produced by the Uvalde school system?

Mr. URIEGAS. I know of no doctors and two lawyers—and I know of one pharmacist from Uvalde. However, we have produced several Silver Star medal winners.

PUBLIC AND POLITICAL ATTITUDES

Mr. RUBIO. We would like to thank you for the attention and focus you are placing on the Mexican American in general, and his educational problem in particular with these hearings.

The thing that frustrates us is that we have been to a number of these hearings before. The attention is simply not at either the State or national level. We no longer wait. Through the efforts of the Office of Economic Opportunity in the past, the VISTA volunteers, for example, and various church groups that are committed to community organization—we have found a tool. We have found a way to achieve some power within our community, and even if national attention does not come, we are going to use that tool to bring about change.

We hope it will be peaceful, nonviolent change. We hope it will not come to violence, but when youngsters 6, 7 and 8 years old are confronted in the streets of Uvalde by Texas Rangers, something might give. We are often portrayed as placid and nonviolent people. My grandfather told me about the Mexican Revolution and that was not placid nor nonviolent, but our people would rather achieve attention in another way.

Senator MONDALE. It is getting to the point where I don't know what to do any more. The average Mexican American, I think, feels that hearings are a charade; that they are a joke; they constitute a time when we let him bare his chest and tell about his problems which is a way of taking something from a person.

In a sense, you are taking away some of his pride. You are asking him to expose himself. When a growing man has to explain how he can't educate his children that is not a comfortable moment for him. He is giving up some of his manhood in the process.

Yet, as you point out, and I think very eloquently so, at the beginning of your testimony, we have been through this hundreds of times, with all kinds of high level official groups that have gone over and over these facts and for all practical purposes little or noth-

ing has happened to change the life of or to move toward fuller opportunity for the Mexican American.

I wonder what do we do. I agree with you, and endorse your feelings entirely, that a violent approach to this situation, I think, is bound to be unproductive.

Yet, Uvalde is an example where it is my personal opinion that the school board could have gone about 10 percent of the way and those children would have gone back to school. I don't think those demands were tough at all.

Mr. RUBIO. One thing has become clear. It is basically a question of power and politics. This has been proven in Crystal City, Tex. It is going to be at the ballot box that change will take place. It is going to be the men who are sitting on the school board who are going to make the needed changes in our educational dilemma.

A new Mexican American superintendent, with excellent credentials, has just been named in Crystal City. We have a school board there where the majority of the school board members are Mexican Americans. We are all looking to and committed to helping Crystal City, which we hope will become a model system.

We have to win it in a political way. That is what is beginning to happen, and as a result, we are encountering a great deal of reaction and repression. In a recent statement to the State sheriff's convention, a D.P.S. spokesman indicated that undercover agents are keeping track of people like Mr. Uriegas and myself.

He said we are subversives and commies. It is a clear indication of what we are faced with.

MEXICAN AMERICANS: DROPOUTS

Senator MONDALE. We might just turn to Uvalde, and incidentally, all of these exhibits will appear at the conclusion of your remarks.

When one looks at the number of Mexican Americans by grade in Uvalde school system, one finds that while the first grade had 224 Mexican American students, the senior class had only 101. In other words about half of the system's Chicano students dropped out, unless there has been a bulge.

Mr. RUBIO. We call them "push-outs."

Senator MONDALE. Would you say it is fair to assume that half of these Mexican Americans are pushed out between the first grade and the 12th grade?

Mr. RUBIO. We believe the last census proved that and we are anxiously awaiting the 1970 statistics to see if there is a difference, but we doubt that there will be an appreciable change.

Senator MONDALE. One of the witnesses yesterday said he felt not even these figures reflected the full story because they are finding that 20 percent of the migrant kids never have gone to school at all.

Mr. RUBIO. You probably heard that from Dr. Cardenas who conducted the study.

Senator MONDALE. They never went through a school door in their life. Is there some basis to that in your opinion?

Mr. RUBIO. From our personal experience as organizers, yes, sir, that is very true.

MEXICAN AMERICAN EDUCATION: STATE ROLE

Senator MONDALE. What has the State department of education done to be of help in these efforts to provide better educational opportunities for the Mexican Americans?

Mr. URIEGAS. I have not been able to recognize any real serious effort by the Texas education agency to help out with this situation. During the school walkout they even avoided talking to most of the people who were involved in the walkout. I don't see that they are making any real effort to address the peoples' needs.

I think they are hiding behind their bureaucracies and not seeking any real solution to these problems.

Mr. RUBIO. It is interesting to note that in the civil rights hearings held in San Antonio about a year-and-a-half ago, the State commissioner of education was called as a witness, and that he was unaware at that time of any programs to prepare teachers to work with Mexican American students. He was unaware of bilingual programs. He was unaware of whether Texas history books reflected the contributions of Mexican Americans.

Senator MONDALE. You have a State board of education.

Mr. RUBIO. Yes, sir.

Senator MONDALE. Are there any Mexican Americans on it?

Mr. RUBIO. No.

Senator MONDALE. So, it is your testimony at this point that the State department of education has not been of help to you in an effort to get a more sensitive school system?

Mr. RUBIO. Again, we are not educators. We do not know the intricacies of how the education agency functions. However, we can say from the barrio and community level that they are ineffective. Their programs are not doing much to ameliorate the problems of our people.

BILINGUAL EDUCATION

Senator MONDALE. I would like to return to Uvalde for a moment. You have a table 2 here which lists about half a million dollars of Federal assistance allocated to Uvalde.

Significant by its absence is any bilingual education money. Has the system applied for bilingual funds and not received them?

Mr. URIEGAS. They have not been willing to recognize that there is a need for bilingual education. To my knowledge, they have never applied for any funds for bilingual education.

Senator MONDALE. I notice one of your demands sets forth bilin-

gual education and bicultural education as essential. Does the local school board oppose that?

Mr. URIEGAS. I think this indicates the mentality of the people in the areas we are talking about, and the fact they do not want to recognize at all, and this really tells something deep here that the gringo mentality does not want to recognize anything that will benefit the Mexican American. It is their feeling and they show it all the time that we have to fit into their system. It is something that they are going to do for us. It is not something that we can participate in.

In our request for bilingual education, they do not want to recognize it, because they feel they would be giving in to something the Mexican American would want to have. This is very typical of the gringo mentality.

Mr. RUBIO. But their action is interpreted by them to mean that it is good for the Mexican American people; that what they are doing it for the good of our people and it will help us progress socially and economically. This is often used as an excuse by school boards.

Senator MONDALE. They want to make good white men out of brown men. For that purpose, they want to choke English down your throat and they don't understand apparently the basic reasons for bilingual education: If you teach a good bilingual education program children will learn English and their own language faster.

PUBLIC AND POLITICAL ATTITUDES

Mr. RUBIO. It has been proven in many countries throughout the world that it is very beneficial.

Mr. URIEGAS. You also have to understand the men who make the decisions and who have the power and authority to bring in good programs are usually ranchers who would like to keep the Mexican at his present stage. They would like to use cheap labor on the ranch.

If you educate the Mexican American these men are afraid the Mexican American might go into an urban area where he will get a better salary.

Mr. RUBIO. Again, we are not experts in taxation, but it is obvious many Anglo candidates are running for the school board in the Anglo community in order to keep taxes down. The result is a mediocre facility and a mediocre teacher and a mediocre education.

MIGRANT EDUCATION

Senator MONDALE. I see there is some migrant money included for preschool construction. What is your opinion as to how that program is being conducted and what role should migrants play in the development of programs for their own children?

Mr. URIEGAS. The role of the migrants in developing their own programs is nonexistent. I have yet to see in this area anywhere where the parents are consulted or where they have any kind of an input in formulating new programs. It is a very sad way in which they use that construction money. These are places where the school budget does not appropriate money for them. They just fill in the gap with construction money.

Senator MONDALE. What do they do with it?

Mr. URIEGAS. It is very hard to tell how they manipulate these funds, because we have very little access to the school budgets. I can tell you from my viewpoint that I don't see how they are going to use it right if their intent is wrong.

COMMUNITY CONTROL AND INVOLVEMENT

Senator MONDALE. Do they have any local community board or advisory group for title I money?

Mr. URIEGAS. I believe on the Followthrough program they must have a parent's advisory committee but this is manipulated by shrewd administrators to keep parents from having influence in the decision making.

Usually, the administrators call meetings at a time convenient to them and not to the parents. They try to keep the people out.

A good example of this is school board meetings which are conducted in a room which barely sits 10 people. Traditionally, it has been held in that type of meeting. Seven gringos get together and make a decision as to what they want their kids to do.

Senator MONDALE. You have a Mexican American parents association in Uvalde.

Mr. URIEGAS. That is correct.

Senator MONDALE. Are they fully consulted by the school board?

Mr. URIEGAS. No, they are viewed by the school board as a bunch of subversives and troublemakers. Anytime that a Mexican American group organizes itself, no matter what its called or what its intentions are, it is going to be looked at as "community inspired" Mr. Dishman, the chairman of the school board said.

They always tell you that you are some kind of a subversive because you are trying to look to your rights.

Senator MONDALE. How important do you rate the objective of desegregation as against community control and compensatory education, or do you see them as working together?

Mr. RUBIO. I think it all begins with community control.

We have found out that when you involve the parents, when they feel they really have a say in the education of their children, in the control of the budgets that are used to educate those children, that questions like desegregation, questions like compensatory education because very much their priority. They want their children to in-

teract with the Anglo community, for example. They want what we call salvage programs. I think it begins with community control and from there it will pick up and be a good, rational, harmonious program that will encompass the point you make.

We are not separatists.

Senator MONDALE. You are not separatists and you would advocate quality integration.

Mr. RUBIO. That is correct.

Senator MONDALE. In Crystal City for the first time Mexican Americans were elected into control positions. What has resulted from their elections and how much do you think that example will be followed by other communities with either majority or minority Mexican American representation on the school board.

Mr. RUBIO. I can only comment as an outsider. I am from El Paso. I don't think they have had much time yet. They have set certain corrective policies. They are looking for the kind of men and women they need to run their schools. They have hired a superintendent. They just hired a gentlemen from San Antonio for one of their programs.

People are talking all over the valley and west and central Texas about the Crystal City program. The people are looking. What were local, subregional, or regional groups of concerned parents are beginning to link hands throughout the State. They are looking to Crystal City as a model.

They are setting their sights on the local school board. They are participating in school activities. The change in Crystal City has energized our people.

For example, in Lockhart, Tex., where the deposed superintendent from Crystal City was hired by the Lockhart Independent School District, the Mexican American community rose up and protested. The man resigned.

I think Crystal City is a milestone in our educational history.

Senator MONDALE. Why have you not been able to elect some Mexican American school board members in Uvalde?

Mr. URIEGAS. It goes into a long series of problems confronted by the Mexican American. First of all, the problem of having to register to vote every year, the way in which that is conducted—in other words, the courthouse where you have to go and register to be able to vote is open from 8 o'clock in the morning until 5 o'clock in the afternoon. An average American Mexican works for an Anglo out in the field and has no access to registration.

Senator MONDALE. They have to register annually?

Mr. URIEGAS. Every year. Also, you have to keep in mind that the courthouse is completely controlled by Anglos. They make it very difficult, even if an individual has the time to go in there and register. They make it very difficult for him to register. They ask him unnecessary questions or they ignore him.

Also, once the Mexican American is registered to vote, as was my case when I ran for city council, we saw a lot of intervention and intimidation and harassment by the county sheriff and deputies and even the presence of Texas Rangers at the polling places. This is intimidation.

Since most of the Mexican Americans work for the gringo employer, they are pressured as to who to vote for and who not to vote for or else they will lose their jobs. When they go to the polling places, the ones who do get in to vote are confronted by predominantly Anglo voting judges who do not help them when they get in there to read the ballot or give information that will help them make the right decision as to who they want to vote for. They make it difficult all the way around for a Mexican American to really participate in this democracy.

Mr. RUBIO. It is changing because of intensive community organization. It is changing. Men and women are realizing they have certain rights, that that courthouse is as much theirs as anyone else's. This is where the conflict lies today in Southwestern communities. It is the transfer of power.

TEACHING AND TESTING

Senator MONDALE. In your testimony, you referred to testing and special education classes. I believe you were once involved with that program. Can you tell us how it works and whether you believe Mexican Americans tend to end up in those so called "special" classes.

Mr. URIEGAS. The whole testing system of the bilingual is completely inadequate. It has been my experience working as a special educator, working with the mentally retarded, that the people administering these tests usually are unqualified to test anybody.

Usually an Anglo administrator is administering this test. He can't even relate to the little chicano who comes to be tested. They intimidate the child because they speak to him in English. The child may not be able to even communicate with them.

The child is tested in English and in many cases is adjudged as retarded though the child might have an above-average IQ. In the Uvalde independent school system where I worked, 99 percent of the children in the mentally retarded classes were Mexican American, 1 percent split between the black and the Anglo community.

On the other hand, in the minimum brain injured class, it is 99 percent Anglo kids.

There is just no way these tests can be accurate. What usually happens is that they take a Mexican American of average intelligence and train him to be mentally retarded. I think this has been proven in some cases.

The testing system is totally inadequate.

(The following material on Spanish-speaking pupils classified as mentally retarded was subsequently submitted for inclusion in the record:)

2499

SPANISH-SPEAKING PUPILS CLASSIFIED AS EDUCABLE MENTALLY RETARDED

California State Department of Education

The following was prepared for the Mexican-American Education Research Project by John T. Chandler and John Plakos. (Ed.'s note: In the past, observers have noted that educable mentally handicapped classes have been used as a 'dumping ground' for minority group children. The significance of this study is that it indicates the charge may be true.)

This report reflects the findings of an investigation conducted by the Mexican-American Education Research Project, California State Department of Education, on a sample of Mexican-American pupils enrolled in classes for the educable mentally retarded (EMR) in selected school districts in California. The investigation has been directed to the question as to whether these pupils should have been placed in classes for the educable mentally retarded or whether a language barrier prevented them from being

assessed properly as to their native abilities to perform cognitive tasks.

TEST GROUP POPULATION

Two school districts located in different geographical areas were selected from which a sample pupil population was chosen for the purposes of the study reported on here. One school district was located in a rural area, and the other district was located in an urban area. In each district, the pupils selected for this investigation had to meet the following criteria: (1) be of Mexican descent; (2) be currently enrolled in EMR classes; (3) have evidenced a problem in using the English language due to their native language being Spanish.

A total of 47 pupils enrolled in grades three through eight were selected for the study; 17 were from the rural area and 30 were from the urban area.

ASSESSMENT INSTRUMENT

The assessment instrument used in this study was the *Escala de inteligencia Wechsler para niños,* which is the Spanish version of the *Wechsler Intelligence Scale for Children.* The norms for the Spanish version were established on the basis of tests conducted in Puerto Rico, which raises some question of reliability and validity when this version is administered to children whose native tongue is a Spanish idiomatic to various regions in Mexico. Before using the *Escala de inteligencia Wechsler para niños,* certain items needed to be reworded to fit the Spanish in common use by Mexican-Americans in California.

For example, *bola* was changed to *pelota* and *concreto* was changed to *cemento.*

Also changes were considered necessary in the "allow-

able answers" to some items, as follows:

- *General Information* (Section 6) Number 6: "In what kind of a store do we buy sugar?" One answer which should be allowed is "liquor store."

- *General Information* (Section 6) Number 14: "Where is Chile?" Allowable answers should include "in a can," "in a field," and "in a store"; otherwise the question should be eliminated, as chile in their vocabulary is not normally associated with a country.

The items noted are just a few examples of changes required to assure a reasonable level of reliability and validity when the *Escala de inteligencia Wechsler para niños* is used on a Spanish-speaking population of Mexican descent.

TESTING PROCEDURE AND CONDITIONS

The testing procedure was arranged by working in conjunction with the director of special education in each school district and the assigned psychologist; the procedure sometimes permitted the testing of two pupils each day in their own school.

It was explained to those tested that although the test would be conducted in Spanish, English would be used when comprehension was lacking. It was soon evident that some of the pupils were not proficient in Spanish or English.

The pupils were not pressed for time to begin, nor were they rushed from one section to another. They were encouraged to relax in order to maintain rapport. At one point in the testing, two staff members attempted to make close observations of the pupils taking the test, but the pupils had difficulty concentrating; therefore, the experiment was terminated. However, by changing the

method of observing the pupils, the staff members were able to make their observations with no observable discomfort on the part of the pupils.

A study of past testing results made it possible for the investigators to be cognizant of past performances and to take advantage of the information obtained by local personnel.

ANALYSIS TECHNIQUE

The data were analyzed by using the simple comparative technique of mean and median IQ gain — comparing previous IQ scores with those computed from the present testing with the *Escala de inteligencia Wechsler para niños*. (Note: In a few cases, when the pupil requested it and when the psychologist approved it, the English version of the WISC was used instead of the Spanish version.) Each pupil's point difference was charted for the sections on verbal tests, performance tests, and total battery score.

TEST RESULTS

The results of the testing of the pupils in the two districts (rural and urban) showed that the average (mean/gain between the prior test scores and the present test scores was 13.15 IQ points (the prior IQ mean being 68.61 and the present IQ mean being 81.76). The mean IQ point difference between the prior scores and the present scores was +12.45 points, which indicates a significant gain in the overall point score, thus exceeding chance.

The median score for the prior IQ was 70, while the median score for the present IQ was 83, an increase of 13 IQ points.

The results also showed that of the 47 pupils tested, 27 scored IQ ratings of 80 or over, and 37 had IQ ratings

Table 1

Comparison of WISC Test Scores Made by Selected Mexican-American Pupils Enrolled in a School District Located in a Rural Area of California

Pupil number	Verbal IQ		Point diff.	Performance IQ		Point diff.	Total battery		Point diff.
	Prior	Present		Prior	Present		Prior	Present	
1		79			99		67	87	+20
2	79	80	+1	76	71	−5	75	73	−2
3	65	76	+11	80	104	+24	70	88	+18
4		86			85		67	84	+17
5	83	85	+2	79	113	+34	83	98	+15
6		84			110		69	96	+27
7	61	80	+7	79	74	−5	67	75	+8
8		76			86		60	79	+19
9	75	97	+22	76	82	+6	73	89	+16
10	67	77	+10	64	92	+28	62	83	+21
11	69	97		87	100		72	99	+27
12	71	77		76	76		71	75	+4
13	69	69		80	96		72	80	+8
14		77		76	71		62	72	+10
15		67			74		63	67	+4
16	76	90		71	72		71	80	+9
17	72	90		94	104		81	101	+20

Table 2

Comparison of WISC Test Scores Made by Selected Mexican-American Pupils Enrolled in a School District Located in an Urban Area of Californin

Pupil number	Verbal IQ		Point diff.	Performance IQ		Point diff.	Total battery		Point diff.
	Prior	Present		Prior	Present		Prior	Present	
18		90			117		75	103	+28
19		67			79		56	70	+14
20	55	46	-9	75	75	0	61	56	−5
21		81			97		67	88	+4
22		56			67		56	57	+1
23	72	95	+23	68	92	+24	67	93	+26
24		86			65		73	73	0
25		75			74		51	71	+20
26		71			90		61	78	+17
27		86			87		68	85	+17
28	75	87	+12	71	96	+25	70	91	+21
29							70	83	+13
30	63	76	+13	85	86	+1	71	79	+8
31	70	85	+15	78	90	+12	71	86	+15
32	76	82	+6	62	78	+16	67	78	+11
33	72	80	+8	92	92	0	80	84	+4
34	76	85	+9	86	87	+1	79	85	+6
35	72	75	+3	75	87	+12	71	79	+8
36		82			94		69	87	+18
37	70	85	+15	83	101	+18	74	92	+18
38	55	58	+3	67	94	+27	56	73	+17
39	70	66	-4	64	76	+12	61	68	+7
40	74	76	+2	74	86	+12	71	79	+8
41	67	81	+14	75	76	+1	68	77	+9
42	77	96	+19	71	82	+11	72	88	+16
43	74	85	+11	78	65	+7	73	83	+10
44	74	79	+5	85	83	-2	77	79	+2
45		85			90		62	86	+24
46	70	75	+5	93	99	+6	79	85	+6
47	80	82	+2	72	83	+11	74	81	+7

of 75 or above.

Table 1 (rural) and Table 2 (urban) indicate the individual patterns of point differences noted in the prior test scores and the present test scores.

The data in Table 2 clearly show the discrepancies between the IQs secured by using the English version of the WISC as opposed to those secured by using the Spanish version. Taking into account the distrust of the IQ as a sole basis for making a judgment, there is yet the fact that point variance, mean, and median IQ differences are all at a 12-point level and indicate a modal cluster in this area.

Some pupils' gains were minimal, and one pupil (number 20) had a -5 point difference. However, the high mean and median IQ gain in points is indicative of the need to assess the placement of Mexican-American pupils in EMR classes when the placement is based solely on their inability to function in what is to them a foreign language, particularly when tested in the "foreign language." Another factor which must be analyzed when considering the placement of such pupils is that some have spent as long as three years in a "special" class and as such may not have received the same advantages as pupils with comparable IQs in regular classes; the "special" placement may have been a retarding influence.

CONCLUSION

The results of this investigation indicate that many Mexican-American pupils may have been placed in EMR classes solely on the basis of performance on an invalid IQ test. The test is termed invalid because this particular subpopulation of pupils lacks a facility and understanding of the English language; therefore, when tested in English, they cannot perform well. However, this investigation has shown that when these pupils are given the oppor-

tunity to perform in the language with which they are most familiar and comfortable — usually Spanish — their performance in many cases is above the cut-off level of the educable mentally retarded category (approximate IQ of 75).

RECOMMENDATIONS

In reference to the findings of this investigation, the following recommendations are made:

- School district personnel should review the cases of

Spanish surnamed pupils currently enrolled in EMR classes; those pupils who appear to have difficulty in using the Engish language because Spanish is their native language should be retested with the Spanish version of the WISC.

- Special personnel should be enlisted to assist the school psychologist in testing pupils who have a language barrier.
- A formal request should be made of the testing corporation to make certain changes in the Spanish version of the WISC.
- A "transition" program should be provided for pupils who need special instruction in the use of the English language. Such a program might include English-as-a-second-language (ESL) instruction and bilingual instruction in the basic subjects.
- Long-range plans should be made to improve the present methods and instruments used for assessing pupils prior to referral to EMR classes, particularly those pupils with a cultural and linguistic background different from most of the English-speaking pupils.

APPENDIX

SAMPLE EXCERPTS FROM THE PREVIOUS RECORDS OF SELECTED PUPILS AND THEIR SCORES FROM PRESENT INVESTIGATION

Pupil Number 1

This pupil was born in Mexico but was brought to the USA when he was about six months old. The usual language of the home is Spanish; his stepmother speaks no English.

The pupil is hereby certified as eligible for the EMR pro-

gram. His inability to fulfill the demands of the regular class has apparently been excessively stressful to him.

Recommendation in previous record: Pupil should be placed in the program for educable mentally retarded as soon as practicable, and he should not be required to attend regular classes pending such placement.

Findings from present investigation: Total IQ score for pupil 1 is 87; verbal IQ, 79; performance IQ, 99.

Pupil Number 4

This pupil comes from a fairly large Mexican-American family. She has six brothers and one sister. Spanish is the only language used in the home. Parents work as farm laborers. The family typically "visits" in Mexico during winter months, at which time the children do not attend school.

The pupil was retained in the first grade and continues to have learning problems. The pupil's test results indicate that she is functioning at the borderline level in mental abilities. Her true intellectual potential is probably significantly higher than her test performance suggests. However, she lacks many of the skills necessary to function satisfactorily in a regular classroom at this time.

Recommendation in previous record: The pupil should be considered for placement in the EMR program.

Findings from present investigation: Total IQ score for pupil 4 is 84; verbal IQ, 86; and performance IQ, 85.

Pupil Number 5

This pupil is a large, somewhat obese girl of Mexican-American background. She lives with her parents, one brother, and two sisters. Her father is a farm laborer,

and Spanish is the language spoken in the home.

Test results indicate that she is currently functioning intellectually at the borderline retarded level. On the performance scale of the WISC, she scored substantially below average on all of the subtests except object assembly, which is one test, according to Wechsler, on which mentally retarded individuals frequently obtain average scores.

Recommendation in previous record: This pupil should be considered for placement on a trial basis in the EMR program.

Findings from present investigation: Total IQ score for pupil 5 is 98; verbal IQ, 85; and performance IQ, 113.

Pupil Number 16

This pupil is pleasant, friendly, and vigorous. While his test scores overall indicate retarded functions slightly higher capabilities are indicated in some areas.

On the basis of his total showing, however, it is felt that he is an appropriate candidate for the educable mentally retarded classes. Behavior disturbances noted by the teacher seem to be reasonable responses to genuine frustration; a special class setting should contribute much to stabilizing this behavior.

Recommendation in previous record: This pupil is an appropriate candidate for EMR classes.

Findings from present investigation: Total IQ score for pupil 16 is 80; verbal 1Q, 90; and performance IQ, 72.

Mr. RUBIO. In some communities Mexican American groups are considering filing charges against the school system for the irreparable damage they have inflicted on children through assignment to mentally retarded classes.

Senator MONDALE. It is not true that there is special State aids for children in DMR classes which gives local schools an economic incentive to place children in such classes. I am not saying that school districts necessarily respond in such a manner.

Mr. URIEGAS. I think they have done that. I have seen it done in some communities in south Texas.

Senatoi MONDALE. I am supposed to be at an executive session to mark up a housing bill. I will ask the staff to take over for a while and I will be right back.

COMMUNITY CONTROL

Mr. GONZÁLEZ. You mentioned some problems in the area of voting. It would seem mathematically that if there were 51 percent Mexican Americans in any community that they would not have that kind of problem. That appears not to be true in Uvalde. Why is that?

Mr. RUBIO. In Tuskegee, Ala., the number of blacks was high, too, but you have to look at it within the framework of the social and economic and the educational and the leadership plight of our people. Until there is community organization, until people are united, until people can focus on an issue like they are today focusing on education, until they can see exactly what it means to them and their children, which is happening, then that large mass of voters or potential voters will not be heard.

Mr. GONZÁLEZ. Would you say the application of the voting rights legislation in protecting the Mexican American?

Mr. RUBIO. I don't think it is. Discrimination in the enforcement of justice ranges from the subtle to the overt. The presence of a ranger or a sheriff who stalks like Matt Dillon somewhere near the poll, when you have been conditioned to think of this authority figure as someone to keep away from; the situation in Mathis where a doctor who had been working with the Mexican American community was allegedly brutally shot by a sheriff's deputy—this type of activity shows a gross failure to grant the Mexican American his right to fair and impartial administration of justice.

Mr. GONZÁLEZ. You are talking about a State police officer being involved.

Mr. RUBIO. I am talking about at all levels.

CORPUS CHRISTI AND COMPLIANCE

We question, for example, school integration policy of the Federal Government right now. We recently had HEW officials in Austin repeating what the Corpus Christi Federal judge said, that we are to be integrated just like the blacks are to be integrated, that integration is not to mean black and brown being lumped together. But we see a posture of resistance at the State level and a wishy-washy attitude at the Federal level. Locally, we hear the chairman of the

school board in Austin saying he didn't know that Mexican Americans were a minority.

Mr. GONZÁLEZ. What is the significance of the recent Corpus Christi case in this area?

Mr. RUBIO. It included the Mexican Americans under integration guidelines.

Mr. GONZÁLEZ. So the Mexican American can no longer be combined with the blacks as a desegregation strategy.

Mr. RUBIO. That is right. Austin supposedly had a beautiful integration plan, but the whites turned out to be brown and that is not integration.

COMPLIANCE IN UVALDE: HEW AND JUSTICE

Mr. GONZÁLEZ. The school walkout in Uvalde happened in April.

Mr. URIEGAS. That is right.

Mr. GONZÁLEZ. Has HEW intervened in some form or conducted a review of the situation and what has happened from HEW since that time?

Mr. URIEGAS. It is a real frustrating thing to watch these Federal agencies go into these communities because they have no real teeth.

You keep expecting that the Federal agencies will go in there and try to make some changes, but this never comes about. Every agency that you talk to is going to make recommendations. They are all making all kinds of recommendations, but they don't have any muscle.

It is a very frustrating thing. It is just a real bad feeling we get when we see these Federal agencies can't do a thing about our problems. If a Federal agency can't do it, we wonder what steps we are going to have to take to really bring some changes about.

Mr. RUBIO. If you really want to see how much the Mexican American believes in his country and system, wait until he gets into a boycott. Wait until you see him. We are putting a call to Washington, Civil Rights, or Justice or the Civil Rights Commission or HEW all leaders say . . . and they are going to come down here because it is very obvious that our constitutional rights are being infringed upon. It is very obvious this is segregation. It is very obvious these funds are being misused.

But when the Federal Government representatives appear there seems to be very little they can do. This is frustrating and often brings the whole system into question.

MEXICAN AMERICAN EDUCATION: FEDERAL, STATE, AND LOCAL ROLES

Mr. GONZÁLEZ. You have made recommendations at the State, local, and Federal level. Is there any one of those three areas you feel holds the greater promise in terms of solution? Are you saying that the Federal officials will solve your problems more so than the local organizing type of thing or the State board of education?

Is there any one of those three you would put more marbles on?

Mr. RUBIO. Up until a year ago, I would have put more faith in the Federal establishment, but I don't know where the Federal Government stands right now.

I think we are putting more emphasis on ourselves at this point and feel that not much assistance is going to come from any level. This is pessimistic, but I think it is real.

Mr. GONZÁLEZ. You feel there is more of a chance of finding solutions at the local level?

Mr. RUBIO. Ideally there should be assistance at all levels, but we don't see it coming.

TITLE VI

Mr. GONZÁLEZ. Several of the grievances you mention in your testimony appear to be violations of the recent memorandum that HEW sent out to all school districts with over 5 percent of enrollment.

Mr. RUBIO. Title VI?

Mr. GONZÁLEZ. Yes.

Have you had any communications with HEW officials as to how that memorandum would be enforced in Uvalde?

Mr. URIEGAS. None to my knowledge.

TEACHERS AND SCHOOL ADMINISTRATION

Mr. GONZÁLEZ. You pointed out the complete absence of Mexican American administrators for the schools and very few Mexican American teachers. Is there one big reason for this? Would most of the teachers and administrators who worked in Uvalde, if they were Mexican Americans, would they be local people coming back to teach there? Is there anything that is keeping Mexican Americans from working in these positions other than discriminatory hiring practices?

Mr. URIEGAS. I think the basis for the whole thing is the discriminatory practices are experienced all the way through school. In other words, the number of people who would be capable of becoming educated and becoming teachers and educators are discouraged at very early years.

The few who make it through have such difficulties getting these jobs. In most cases, you will find most Mexican American teachers—not administrators, but teachers—are overly qualified.

Mr. GONZÁLEZ. Overly qualified?

Mr. URIEGAS. They have to be better qualified than their counterpart in order to be able to obtain these jobs. As far as the hiring practices, these are very questionable. I know of many Mexican Americans who have applied for jobs in the Uvalde Independent School District who have not been hired.

There was one Mexican American administrator a few years ago in Uvalde who tried to implement some programs. He was a school principal. He tried to fight for some of the programs he felt would be good for the Mexican American children, but he was fired almost immediately.

Until some of these agencies can oversee the hiring practices and the discriminatory practices in all of these schools, there is going to be this lack of administrators.

Mr. RUBIO. It is going to continue because the Mexican American who is coming out of college today differs from the Mexican Amer-

ican who was applying for that job 5 or 10 years ago, and those school administrators are going to label him as a radical. He talks ideas like bilingualism and biculturalism. This does not fit into the present pattern. This was reflected in Uvalde where Mr. Garza all of a sudden became "very uncooperative" because he was talking this way and he was interested in these things. He did not appear as "cooperative" as in years past.

Not too many of our Mexican American youngsters are getting into college. I think a recent survey showed that at a large California university there were more students from the Republic of Mexico than there were Mexican Americans. I think that is a sad commentary on the whole school system in the Southwest.

MEXICAN AMERICANS: SCHOOL BOYCOTT

Mr. GONZÁLEZ. About how many districts in Texas would you say had school walkouts in the last year or two?

Mr. RUBIO. Beginning in early 1968, boycotts occurred in Edcouch-Elsa, Crystal City, Gillett Junior High in Kingsville, Uvalde, Alpine, and, of course, the boycotts in San Antonio.

Mr. GONZÁLEZ. You did get some characteristics that you felt all of these walkouts had in common, did you not?

Mr. RUBIO. We felt they all had certain commonalities.

Mr. GONZÁLEZ. Do you feel these are sets of conditions that exist elsewhere in other districts that have not seen this kind of problem come up yet throughout the State?

Mr. RUBIO. I think it has become very clear in many a school administrator's mind that boycotts are going to spread. I think you are going to see a number of them in the fall semester.

We know of some that are planned. Many will continue to be spontaneous. There may not be too many disruptions at universities and colleges in the Southwest, but I think we will see it at the elementary and secondary level.

Mr. GONZÁLEZ. You referred to about half a dozen or 10 districts who had experienced these walkouts.

Mr. RUBIO. In the State of Texas, but in L.A., Albuquerque, and in Arizona there have been walkouts. We are familiar with them, but we speak today about Texas.

COMMUNITY CONTROL: LEGAL SERVICES

Mr. GONZÁLEZ. Speaking of the length of time it takes to get any action going in response to demands, would it indicate a lack of accessibility on the part of the community to legal services or to getting plugged into the machinery. How serious would you say the lack of legal services is?

Mr. URIEGAS. I know of only one group I would approach to make a request for legal support, and this is the Mexican American legal defense fund, except for a few lawyers who are practically bankrupt because they have been fighting these civil rights cases. There is really no legal support for the Mexican American community right now.

As you know, the Mexican American legal defense fund will only handle those cases that are precedent setting. When we go into these problems, the lack of legal support is very, very critical.

This is a discouraging factor. There is really no place for us to go. The gringo administrator knows this.

Therefore, he tries to throw something legal at you to stop you with because he knows it is going to take time for you to respond. The best example is the day I was notified in Austin for me to try to provide some assistance in the Uvalde walkout. I had not been in Uvalde, I guess, 10 minutes before I was arrested and a couple of other people were arrested because they knew we could not get legal assistance to put us back in action.

On the first day of the walkout in Edcouch-Elsa they arrested people. These were selected arrests.

They arrested the five leaders right away in Elsa-Edcouch and put them away, and again they recognized the fact that we did not have enough legal support to get them out of jail fast enough for them to continue leading the boycott.

The lack of legal services is very, very critical.

Mr. RUBIO. Last year in the Southwest region we had 66 VISTA lawyers go into the five States of the OEO region. They proved to be very useful and helpful to people with legal problems.

However, with the disorientation which appears to be taking place in VISTA we doubt very much that we will be getting this type of assistance in the future. We are very appreciative of the type of help VISTA gave us.

COMPLIANCE AND MEXICAN AMERICAN SEGREGATION

Mr. GONZÁLEZ. Regarding the percentage of Mexican American students in Uvalde school. Some are heavily impacted Mexican American schools predominantly Mexican American?

Mr. URIEGAS. That is right. I think the percentage shown in the table is probably correct.

Mr. GONZÁLEZ. Has this occurred because of rulings of the school district, or has it occurred because of housing patterns, or what?

Mr. URIEGAS. It used to be that a student could go anywhere in that school district up to about 5 years ago when they drew boundaries. There is obviously gerrymandering all the way around.

Mr. RUBIO. In the city of El Paso, a very eloquent presentation was recently made before the school board there which proved that de facto segregation was in fact because of guidelines which the school system adopted, administration policies, gerrymandering, and so forth, de jure, particularly in the situation of two high schools which were next to each other, but one is predominantly Mexican Americans and black and the other white.

Mr. GONZÁLEZ. Are either of those—El Paso or Uvalde—among the list of noncompliance districts that HEW was negotiating with?

Mr. URIEGAS. Uvalde is one.

Mr. GONZÁLEZ. They submitted to voluntary compliance? They were not sued by the Justice Department?

Mr. URIEGAS. Not yet, not that I know of. HEW had a meeting in Austin and Uvalde was one of the two which refused to attend that meeting with HEW.

Mr. GONZÁLEZ. Did they say why?

Mr. URIEGAS. They said they could take care of their own problems.

Mr. GONZÁLEZ. But they were not sued?

Mr. URIEGAS. Not to my knowledge.

TITLE I

Mr. GONZÁLEZ. On your table 2 where you show the Federal moneys going into the district, you show almost $133,000 in Title I, ESEA. It is my understanding that title I requires a citizens advisory group of some sort.

Mr. URIEGAS. I don't know of any group in an advisory capacity. If they are, I can guarantee you that they are not having any input into this program.

Mr. RUBIO. The guidelines for Headstart and the guidelines for most of these programs require some kind of parental or advisory committee. In most cases, they are cast aside and rarely fulfill their true function.

It is unusual to see a parents group working in partnership with the principal or teacher, for these administrators will not concede that these parents, however, humble they might appear, are the chief educators of their children.

Mr. GONZÁLEZ. One of the points you raised suggested that regulations prohibiting the use of Spanish be done away with. First, there was a State law in Texas.

Mr. RUBIO. It has been repealed. It was repealed in the last legislature.

Mr. GONZÁLEZ. Is the influence of that law still being felt, do you think, in some districts?

Mr. RUBIO. Yes. In Lockhart, school officials said they could not comply with the bilingual demand of the people because it was against State law.

Mr. GONZÁLEZ. They said that after it had been repealed.

Mr. RUBIO. That is correct.

LANGUAGE AND CULTURE

Mr. GONZÁLEZ. Would you hazard a guess as to how many entering first grade, Mexican American children in the district, who live in Uvalde, speak more Spanish than English, that really need a bilingual education for educational reasons, just merely for understanding.

Mr. URIEGAS. I think about 95 percent of the Mexican-American children who attend the first grade.

Mr. GONZÁLEZ. Ninety-percent speak Spanish.

Mr. URIEGAS. Yes.

Mr. GONZÁLEZ. Would you say the nonuse of Spanish for communications of a child is more deterimental in terms of communicating

skills, say, teaching a child to add or subtract or is it more a psychological thing that might be a long-range detriment to the child's growth?

Mr. URIEGAS. I don't think it takes a professional psychologist to see the psychological damage that is done to a child who has for 7 years been speaking Spanish at home which in many instances is the only way he can communicate with his parents and his relatives. Up to the age of 7 he has never been told this is bad, that this is inadequate, or that he is inferior because of this, and then on the first day of school he is confronted by a gringo teacher and is forced to change his entire person.

Take Juan Lopez on his first day of school. Because the teacher is incapable of saying Juan Lopez she changes his name to Johnny Lopey or something like that. Already the acculturation begins. The psychological damage is enormous. I don't think I have to go into much detail. When he is told he is going to be punished for speaking Spanish, it is something he never thought was wrong.

When the insinuation is made or he is directly told that his language is inferior, that his language is no good, that he has to learn how to speak English or else he will never succeed and he is confronted with this the damage is irreparable.

They are not asking him to change within the next few years, they are asking him to change that same day and he is put aside in the room as someone who is different and inferior. You have to put yourself in the shoes of that 7-year-old kid to appreciate what this educational system is doing to him.

BILINGUAL EDUCATION

Mr. GONZÁLEZ. There is a federally funded bilingual program available from USOE. Do you know if the Uvalde schools applied for some of that money?

Mr. URIEGAS. I don't know if it has.

Mr. RUBIO. There are a number of school districts which may have it, but not in Uvalde. If I remember correctly, the percentage of children actually being reached by bilingual or bicultural programs is no more than 20 percent of the Mexican American student population in Texas. That is a drop in the bucket. Very extensive studies have been made by Dr. Ramirez of Rice University on the psychological disorientation that takes place. There is nothing in his studies, which are very scientific, that in any way buttress the present practices of the school districts. It is bad teaching. It is just not conducive to learning. They are getting pushed out.

LANGUAGE AND CULTURE

Mr. GONZÁLEZ. You also mentioned Americanized versus Anglocized. Can you elaborate on the difference in your opinion?

Mr. RUBIO. The Mexican American is proud of being an American. His parents or his grandparents came to this country because they felt there were certain rights, privileges and benefits here which were not available in Mexico. They very much wanted their children to be American.

But the Mexican American culture is a very special culture. There is a warmth and graciousness and a tradition and a heritage and a language and an extended family pattern that we don't want to lose. If we lose it, we feel culturally bankrupt. We believe this is happening in the schools which are forcing upon us a white middle-class, monolingual substitute.

Mr. GONZÁLEZ. Getting to your recommendations on the State responsibilities, you suggested that the textbooks be culturally and lingually oriented. I guess this has been said for several years now. Do you see any movement in that direction by the State educational agencies?

Mr. RUBIO. Again, we are not that familiar with the education agency, but we are cognizant that this is not taking place. Fortunately we have seen independent school districts come up with programs on their own.

We have seen some textbooks at educational fairs and so on but I don't think they are being implemented. It is rather startling to see what the texts should say sometimes. In fact, Davey Crockett was probably a Mexican American because it was a revolt of Mexican Americans against Mexico but there were also some very distinct chicano names in the Alamo.

Mr. GONZÁLEZ. Apparently the Senator has been detained. Before we recess, I would like to give you a chance if you have a final statement to make it for the record.

Mr. RUBIO. I hope that your hearings will focus attention on the severe educational problems of our children in the Southwest. I personally attended the so-called White House Conference in El Paso. I have attended two or three other meetings which have focused or attempted to focus the attention of the nation on our plight.

However, progress does not seem to be coming very quickly. I hope something comes out of this which is much more constructive and more positive than in the past.

In the meantime, Joe and I and hundreds of other men and women in Texas and throughout the Southwest are going to continue organizing and developing and promoting the education issue and perhaps with a little bit of time, the Federal, State, and local governments will catch up with us.

Mr. URIEGAS. I have no further statement.

Mr. GONZÁLEZ. If there is nothing else, we stand in recess until tomorrow morning.

(Whereupon, at 11:20 a.m., the select committee recessed to reconvene at 10 a.m., Thursday, August 20, 1970.)

EQUAL EDUCATIONAL OPPORTUNITY

THURSDAY, AUGUST 20, 1970

U.S. SENATE,
SELECT COMMITTEE ON
EQUAL EDUCATIONAL OPPORTUNITY.
Washington, D. C.

The select committee met at 10:30 a.m., pursuant to recess, in room 1318, New Senate Office Building, Senator Walter F. Mondale (chairman of the select committee) presiding.

Present: Senators Yarborough, Mondale, and Javits.

Staff members present: Josué González, director of special studies.

OPENING STATEMENT OF HON. WALTER F. MONDALE, CHAIRMAN OF THE SELECT COMMITTEE ON EQUAL EDUCATIONAL OPPORTUNITY

Senator MONDALE. The committee will come to order.

Senator Yarborough wanted very much to introduce the panel this morning. Unfortunately, he is presiding in the Senate, but he will be here at 11 o'clock, when his tour of duty over there ends.

We are pleased this morning to have as a panel of witnesses: Mr. Mario Obledo, director, Mexican American Legal Defense and Education Fund, San Antonio, Tex.; Father Henry Casso, member of the board, Mexican American Legal Defense and Education Fund, Los Angeles, Calif.; Mr. Carlos Vela, attorney, former coordinator, Texas State Office of Civil Rights, HEW Office, Corpus Christi, Tex.; and Dr. Hector Garcia, a seasoned witness before us and other committees, founder American GI Forum, former U.S. Ambassador to the United Nations for Latin American Affairs, Corpus Christi, Tex.

STATEMENT OF MARIO OBLEDO, DIRECTOR, MEXICAN AMERICAN LEGAL DEFENSE AND EDUCATION FUND, SAN ANTONIO, TEX.

Senator MONDALE. Mr. Obledo, would you proceed?

Mr. OBLEDO. Good morning, Senator; for purposes of the record, I am Mario Obledo. I am the general counsel of the Mexican American Legal Defense and Education Fund, headquartered at present in San Antonio, Tex.

MEXICAN AMERICAN LEGAL DEFENSE FUND

I might give some background on our organization. It is an organization that was established to institute legal proceedings in behalf of Mexican American people, principally in the Southwestern United States, in cases involving constitutional issues.

Primarily, we handle three types of cases. The first type is that type of case which we consider precedent-making value, law reform, so to speak.

The second type case is the case that we call the class action case of enforcing law already on the books and trying to seek a wide remedy for a great number of people.

The third case is that type of case whereby we represent an individual, and it is merely the type of case to insure faith in the legal system.

As an example of the first case, I might cite one in Texas regarding voting rights. The Texas statute provides, for instance, for aid and assistance to handicapped and blind voters.

We are asking the court to declare that statute unconstitutional because it prevents assistance to illiterates.

In Texas, and, of course, in the Southwest, there are many illiterate people, and a lot of them are Mexican Americans. That would be a precedent making type case.

The second case, of course, are those cases that fall under title VII of the Equal Employment Opportunity Act. For instance, we have filed a lawsuit against the General Telephone Co. in the southwest, alleging discriminatory hiring practices. We entered into a consent decree. They agreed to hire Mexican Americans, something they had not previously done.

The third type case that I might cite is a case involving alleged police brutality, where there is an individual and he loses faith in the legal system because of what happened to him. We institute those types of proceedings.

So we have those cases that we handle. We have a staff of approximately six lawyers. We have a regional office in Los Angeles and we are opening an office in the city of San Francisco.

Senator MONDALE. You have six lawyers in the whole program?

Mr. OBLEDO. That is correct, sir.

Senator MONDALE. Have you started any school discrimination cases?

Mr. OBLEDO. We have quite a few that we are litigating at the present time.

Senator MONDALE. Were you involved in the Corpus Christi case?

Mr. OBLEDO. No, I was not. I believe the case was instituted before our organization was founded. Mr. Chris Dixie, out of Houston, with whom I communicated, is handling that litigation.

I have prepared a paper, Senator, which yesterday I handed to the staff of your committee. I assume it is proper to introduce the said instrument into the record.

Senator MONDALE. These are matters with which you are fully familiar and we are not. So it is helpful, even though it may be repetitious for you, to read your statement.

Mr. OBLEDO. I will be glad to read it verbatim, Senator.

I have labeled my presentation "A Question of Priorities—Policy and Legal Consideration—Equal Educational Opportunities for Mexican Americans."

The educational problems of the Mexican American have been analyzed by competent educators and by leading agencies of the State and Federal Government (among them the Department of Health, Education, and Welfare, U.S. Commission on Civil Rights, the respective State Advisory Committee to the Civil Rights Commission) by the UCLA study project, by legislative bodies, by the National Education Association, by several private nonprofit organizations working in the field of education and, of late, by Mexican American scholars who are the best qualified and most competent for the job at hand.

This particular problem is a major part of the overall socioeconomic plight of the Mexican American in the Nation, and more specifically in the Southwest.

The studies are all readily available to this committee and I, therefore, make no effort to introduce any portion of them into the record.

Most of the problems have heretofore been isolated and solutions to these problems are, of course, what this committee and this country must now discover.

SCHOOL AND SOCIAL POLICY

Many Mexican American leaders have, until recenty, felt that a proper formal education was the answer to the other problems which confront the Mexican American.

But experience has shown that in many instances even an "educated" Mexican Amercian faces discriminatory barriers in endeavoring to secure adequate housing for his family, business opportunities, and professional employment.

We can see, therefore, that a good education does not necessarily mean that a Mexican American will be on equal footing with an Anglo counterpart.

Assuming, however, that a good education is the key to the "good life" in America, then the Mexican American has been overlooked by the locksmith.

The blame for this oversight or this outright discrimination can be leveled on many agencies, institutions, and individuals. My mission, however, is not to find fault in retrospect but to suggest positive legal remedies for the future.

Serving as a foundation for my presentation, I must, of necessity, briefly state the following truism: the Mexican American has the lowest educational level than either black or Anglo; the highest dropout rate; and the highest illiteracy rate. These truths stand as massive indictments against the present educational system.

As well, they are indictments of either negligent or intended homicide against a minority group. In essence, what this system has done is to smother the soul and spirit of an entire people.

Need more proof be presented than the fact that during the last school year, there were only about 300 Mexican American students enrolled at the University of Texas at Austin, out of a total student enrollment of 35,000.

The same or greater imbalance exists at universities throughout the Southwest. The reasons have already been clarified. It is no exaggeration to state that death might be preferred by some in lieu of the life of peonage to which they have been relegated.

Mexican Americans have been shackled by the chains of ignorance and in consequence, poverty. The educational system in the Southwest has created a regional Biafra in America with the attendant problems of crime and disease.

We have in America the largest public school system on earth, the most expensive college buildings, the most extensive curriculum. But nowhere else is education so blind to its objectives, so indifferent to any real goals as in America. One trouble has been its negative character. The American educational system has aimed at the repression of faults rather than the creation of virtues.

LANGUAGE AND CULTURE

In the Southwest, in terms of the Mexican American, it has abused the tracking system, created and perpetuated segregation, suppressed culture by invoking "no Spanish" rules, provided inferior physical facilities, condoned practices by educators who ridiculed a person's ethnic origin, and by creating institutional attitudes throughout the system that the Mexican American is an inferior individual.

Thus, one can readily say, without being controverted, that the educational system has failed the Mexican American. The Mexican American has not failed the educational system.

It is the educational system which needs to be changed and restructured rather than the Mexican American child. The school system is in urgent need of reform lest it keep compounding the crime of attempting to remold every brown child into a cog for the white middle-classed machine.

The educational system has failed miserably in this attempt. Its reaction is to punish the child by branding him a second-class citizen for life. Amazingly, until recently, this prevailing system has operated under a cloud of indifference from local, State, and Federal Government.

PUBLIC AND POLITICAL ATTITUDES

Senator MONDALE. We found that the best way to get television cameras and reporters out of this room is to hold a hearing on Mexican American education. There doesn't seem to be any interest. Yet this is the second largest minority in America.

The figures you cite are undeniable. The Mexican American has broken several records with the help of the school system in the field of dropouts, of unemployment. All these patterns of discrimination, plus cultural insensitivities and language problems, exist. I despair.

I don't know how you get any attention paid to this problem. I agree completely with what you have said. Maybe we can hear

from Dr. Garcia. He has been trying to push this issue through to the American people for years.

Dr. Cardenas testified yesterday that the average 5-year-old in the average school system in San Antonio, tested at the beginning of the Headstart program had an IQ of 70.

In other words, the burden of poverty and the rest have driven that child to the point where he lost 20 or 25 points of IQ on the average in just 3 or 4 years.

This is an outrageous national tradgedy that is costing this country billions of dollars.

I would appreciate any ideas you have on how you can get anybody's attention.

Mr. OBLEDO. I agree, Senator, that the Mexican American problem has not been given the attention it deserves. It is a tragedy on the part of the Government—both the State and the Federal. It has troubled me.

How do you bring this to the attention of the American public? Does it require some overt act of violence to bring it forth, or can it be handled in a manner that is conducive with the American way of life?

It troubles me greatly. Here are a people crying out for help. As you mentioned, Dr. Garcia has been at the forefront of this for many, many years, and yet, the cries are unheeded. They go by the wayside.

As I mention later in my report, it takes an individual just a very limited time to go over the Southwest and see for himself the conditions that exist in that part of our Nation.

Senator MONDALE. We had a team of doctors, from the Field Foundation, sent into Hidalgo County, Tex. We received reports of the most outrageous health problems. The average migrant lives 20 years less than most of us. Every child examined had a serious dental problem. Not a single one had ever seen a dentist. Some people were close to death from problems that could be quickly and easily cured.

Martin Carr, the great telecast director who did the documentary on hunger and then the one on migrants, said that the few days in McAllen were the most depressing, heart breaking thing he had ever been through in his life. But that tragic information was received with great equanimity in this country.

If anybody has any idea how we generate for this issue the national attention and the national response that it deserves, I would be most grateful.

EDUCATION FOR STABLE INTEGRATION FEDERAL ROLE

Mr. OBLEDO. Shamefully enough, it has had both the explicit and implicit approval of the educators themselves. Legal methods must be found whereby the Mexican American child can be provided with the optimum opportunities to achieve academically.

One cannot realistically expect local school boards to alter the situation—to recommend progressive change. They mirror the feelings of the generally conservative society. The same can be said for most of the State boards of education in the Southwest. Thus, the duty to institute change falls squarely on the Federal Government.

There is disagreement as to the meaning of equal educational opportunity. Perhaps educators should tell us what it is and how to measure it. My own definition of the term is: the open opportunity for each student, on an equal basis, to develop his mental capacity to its fullest.

LANGUAGE AND CULTURE: LEGAL REMEDIES

To this end the Mexican American Legal Defense and Educational Fund has instituted lawsuits in each of the Southwestern States. We have under assault the educational financing scheme as a denial of equal protection; the "no Spanish" rule as a denial of first and fourteenth amendment rights; inferior physical facilities; inadequate teacher's aids; the tracking system; and the failure to provide compensatory education as a denial of constitutionally protected rights.

TRACKING

We are also litigating constitutional issues involved in placing culturally deprived and language deficient children in classes for the mentally retarded.

DE FACTO SEGREGATION

Finally, we have placed under judicial scrutiny the very important issue of de facto segregation. Though we are confident of proving de jure segregation in some of our cases, a substantial number will fall into the de facto segregation category.

As this committee knows full well, the constitutionality of this issue has not been adjudicated by the U.S. Supreme Court. To a school child, segregation is segregation, irrespective of how it is labeled by the courts.

Senator MONDALE. If you investigate most of those so-called "de facto" segregation communities, would you not find a lot of official policies undergirding it?

Mr. OBLEDO. Certainly. I think one can tie this in and say it is the local governments. We have enormous proof of that. In other words, the neighborhoods didn't come in of themselves. They were placed there by the real estate promoters and the people who were discriminatory in practices.

I do not intend to use this forum, however, to argue our cases. Suffice it to say, that they present for judicial consideration the educational problems of the Chicano of this Nation.

Within the last 6 months, the Federal Government, through the Departments of Justice, and Health, Education, and Welfare, has expressed an interest in these problems.

JUSTICE DEPARTMENT AND MEXICAN AMERICAN DISCRIMINATION

The Department of Justice intervened in a case we have pending in Sonora, Tex., and only a few days ago they filed lawsuits in Texas against several school districts, including some which allegedly discriminate against the Mexican American.

We have filed a motion to intervene in the case against the Austin, Tex., Independent School District on the premise that the Depart-

ment of Justice will not adequately represent the interest of the Chicano students.

Senator MONDALE. Of those lawsuits and the number of school districts involved, how many of them are being brought predominantly to correct discrimination affecting Mexican Americans?

Mr. OBLEDO. If I am wrong, I know I will be corrected, but I don't believe any of them were Mexican American problems.

Mr. VELA. None of those suits are basically being brought to correct discrimination against Mexican Americans. They are all concerned with eliminating the former dual system of Negro schools.

The Mexican American is just added to it as a result of the Corpus Christi case.

Mr. OBLEDO. We have also filed a brief in the Houston school case which is now pending in the Fifth Circuit Court of Appeals. asking the court to remand the case back to the district court level for consideration of that which constitutes the problem.

HEW MEMORANDUM

The Department of Health, Education, and Welfare issued on May 25 a memorandum from J. Stanley Pottinger, chief, Office of Civil Rights, to school districts with more than 5 percent national origin—minority group children—placing on those districts an affirmative duty to provide these children with an equal educational opportunity. It remains to be seen just what weight the courts will give to this memorandum.

I will, however, commend the Health, Education, and Welfare Office of Civil Rights for its action. It is clearly a thrust in the right direction.

EDUCATION FOR STABLE DESEGREGATION FEDERAL ROLE

The Chicano educational problems have previously been outlined. Now what about the remedies? They fall into both moral and legal categories. It is already well established that morality cannot be legislated.

Despite this, statutory enactments can pave the way for uplifting an educational system in need of change and direction. In this connection, the following could be given consideration:

1. Providing financial assistance to families who cannot afford to keep their children in school due to economic reasons or, in the alternative, providing stipends to potential dropouts or "push-outs."

By "push-outs," I mean those children who are being pushed out of the educational system.

2. Providing direct financial incentives to teachers with bilingual abilities—and I might add, bicultural—willing to teach in districts with a substantial number of minority group children.

3. Providing educational grants to students desiring to undertake graduate studies in any field since the Mexican American group has very few persons with degrees above the bachelor's level.

4. Providing additional funds to school districts who undertake productive, imaginative, and dynamic academic programs to aid the socioeconomically and culturally deprived student.

5. The expansion of the Federal Teacher Corps, a counterpart to the Peace Corps and VISTA, whose function would be to utilize and train Mexican American teachers for use in school districts undertaking such projects as are mentioned above.

6. Providing expenses to disadvantaged families for the purposes of moving out of school districts which continue to deprive students of equal educational opportunities so they can relocate in school districts meeting their needs.

EQUAL EDUCATIONAL OPPORTUNITY: NATIONAL PRIORITIES

Going back over these six recommendations, you notice they all call for money expenditures, for funds, for additional moneys, perhaps, and yet, I am sure that someone will say, "We are already overburdened with finances."

Yet, as you well know, commitments of moneys are being made to efforts outside the educational field. I believe that these funds could be diverted into the educational field to provide for programs such as this.

As Senator Mansfield stated yesterday about the ABM's and the SST's, it is best to provide for the ABC's. I am in agreement with that statement.

We could curtail some of the foreign commitments and perhaps these funds could be diverted to the programs I have recommended here.

COMPLIANCE

Statutory remedies against school districts who continue practices of violating equal educational opportunities could be as follows:

1. The granting of funds to private nonprofit educational organizations rather than to the State boards of education or school districts so those groups could undertake the responsibility of providing equal educational opportunities.

2. Providing payment of legal fees for those persons being deprived of equal educational opportunities so they may seek legal redress in the courts.

3. Providing for punitive and exemplary damages against school districts and school officials proven responsible for discriminatory practices in contravention of constitutional rights.

4. Placing in Federal receivership those school districts which, intentionally or otherwise, fail to provide equal educational opportunities.

To facilitate the enforcement of these remedies, the Mexican American should be classified as a class apart, as a significant identifiable group, as the brown in contrast to the black and the white.

Too often we have had integration plans submitted to the Department of Health, Education, and Welfare where the brown and the black were "integrated" for purposes of compliance. This, in my opinion, contravenes the intent of the law.

The chicano population, as stated at the outset, is in worse posture, educationally speaking, than any other sizable group, save,

perhaps, the Indian, which doesn't measure in size to the Mexican American.

In other areas of concern, it is equally as disadvantaged. One need only casually tour the Southwest to verify visually what has been stated by me orally.

It is on the sound education of the people that the security and destiny of every nation chiefly rest. The firm foundations of government are laid in knowledge, not ignorance.

We have within the confines of our country a vast pocket of Mexican American citizens, a significant identifiable class, caught in a web of hopelessness woven by the archaic educational system now in operation.

To untangle such conditions and free the aspirations of a people desiring first-class citizenship should be a task of first priority.

Senator, under the Civil Rights Act, if I am correct, for purposes of the act, de facto segregation and racial imbalance is not considered. This is where the main problem of the Mexican American lies.

We have schools that are virtually all Mexican American. Schools now with the plans that have been submitted to Justice and HEW where the black and the brown have been combined, have the same problems, of home and environmental problems.

Those are the things that are going to have to be solved by this Nation upon recommendations by this committee to the Congress.

I think that one of the recommendations that I have made here—and I don't think it would be out of order—is when a school district fails to comply and fails to grant individuals equal educational opportunities—and I mean meaningful educational opportunities—then they ought to be placed in receivership and have the Federal Government go in and take over a school district and say, "Gentlemen, we are going to run this school system as it ought to be run, to provide these people the opportunity to compete, if they wish to compete, but at least give them the opportunity to do so."

SCHOOLS AND SOCIAL POLICY

We have the other attending problems, as the Senator knows, of housing, health, and so forth. They all tie in. It is a vicious cycle of where do you start, where do you break this chain.

I think education, perhaps, would be a proper starting place to try to correct the other problems that we have.

I might state, Senator, that in my experience and in my opinion, the problems of the Mexican American of this Nation are greater than the problems of the black, and the problems of any other group.

I don't know what it is going to take to bring it to the forefront. The Legal Defense Fund is litigating in the courts. Other groups are performing their own tasks. All, I suppose, of what has been called by so-called responsible leaders, in a commendable fashion.

But the people are tired of the commendable fashion that we have been operating under. It is going to be to responsible persons in the Congress, and more in the Federal agencies, than anywhere else, to try to remedy these situations.

I would be glad to elaborate on any of the recommendations that I have made, or to discuss with this committee any of the lawsuits which we have filed.

I might bring to the attention of this committee that it was really the Mexican American that brought the issue of desegregation to the forefront back in 1948 and 1946, in 1949 and 1951, when the Mexican American litigated the issue of segregation.

On those cases rests *Brown* v. *the Board of Education*. We had those problems in the Southwest. Of course, we contend we still have them, and we intend to prove that those issues are still prevalent in the Southwest.

Senator MONDALE. Thank you very much for an excellent statement. I am greatly impressed by what this new generation of young lawyers is doing for the system of law in this country and for society.

You are pioneering work with enormous potential. We see similar efforts from the NAACP Legal Defense Fund, the League Service Program, where the lawyers are given the freedom to bring the kinds of lawsuits that should be brought, from the Ralph Naders and the rest. These citizens are making the Constitution and the system of laws begin to work for justice and for society. However, we have a long way to go.

I will just ask one question now because we want to hear from the full panel and then question you all.

NIXON BILL: LAWYERS FUND

The President has proposed that we spend $1.5 billion through the Emergency School Assistance Act to achieve successful desegregation in our country as he defines it.

There have been proposals that a proportion of those funds, say $100 million or $200 million, be set aside to be paid possibly under court supervision to plaintiffs for legal fees and costs incurred in successful desegregation lawsuits on the theory that the Justice Department certainly is undermanned, if not, as some uncharitably suggest, somewhat short of will.

In any event, little is being done to protect the cherished Constitutional right to an equal education for whatever reason, and certainly just as the local school district hires a lawyer at public expense to resist desegregation, those who assert their Constitutional rights should be able to collect reasonable fees and costs if they are successful in a lawsuit.

Does that approach make sense to you?

Mr. OBLEDO. Yes, sir, very much so. Some of the school boards are concerned about having to pay the legal expenses involved in these lawsuits. Others, of course, take the attitude of rather than paying legal costs, complying with the law.

I would be in favor of providing moneys to the successful litigants in these segregation lawsuits, and to successful litigants that are being deprived of equal education opportunities.

Senator MONDALE. Would that be of help to your organization in spreading your limited funds?

Mr. OBLEDO. It would be of tremendous help.

Senator MONDALE. I think there has been a good response to that suggestion. Some of these lawsuits, as you know, are dreadfully expensive. If you could just recoup your reasonable legal fees, for a small amount of seed money, you could generate more of the kinds of lawsuits that need to be brought.

Since the fees would only be paid at the conclusion of a successful lawsuit, it couldn't be charged that this policy would generate frivolous lawsuits.

Mr. OBLEDO. Those expenses run very high. We have approximately 150 cases pending now in the different areas of education, employment, housing, things of the sort. We have to keep close watch on every penny we spend.

Senator MONDALE. In title VII cases, equal employment cases, you can recover reasonable fees and that makes a considerable difference, does it not?

Mr. OBLEDO. It certainly does. It makes it also attractive to the private practitioner to file those lawsuits because of the provision in the law that allows for attorney's fees in the case of the plaintiff being successful in the lawsuit.

I might add at this juncture, Senator, on my recommendations, where I call for these expenditures, the entire answer, of course, is not going to be money, eventually, and violence. It is going to depend on the morality of man. You can spend this money but if the person at the local level administering these programs does not have the attitude of doing justice to mankind, then the money, of course, is only part of the remedy.

Senator MONDALE. Our next witness is Father Henry Casso, Director of Development and Education, Department of the Mexican American Legal Defense and Education Fund.

Father, we are delighted to have you with us.

STATEMENT OF FATHER HENRY J. CASSO, DIRECTOR, DEVELOPMENT AND EDUCATION DEPARTMENT, MEXICAN AMERICAN LEGAL DEFENSE AND EDUCATION FUND, LOS ANGELES OFFICE

Father CASSO. Senator Mondale, may I take advantage of these first moments to express my personal admiration and appreciation for the vision and foresight shown by this committee in providing time that Mexican Americans representatives have the opportunity to share the tragedies, the happenings, the hopes and dreams of a great people in whose hands, it is my opinion, lies much of the tomorrow for this country of ours, especially as increased dealings with the 260 million people in the 26 countries to the south becomes more a political and economic necessity.

I think it is very interesting, if I might digress, to note that our President is visiting Mexico for the next 2 days.

In 1968, a new phenomenon emerged for the first time among the Mexican Americans in this country.

What I would like to do in this presentation is to show you what is happening with the young through the walkouts that have happened around the country by the Mexican American students, zeroing in first and foremost on the secondary level, and then to

try to show what were some of the major issues they were talking about, and then to see what is happening in Court cases from the fund and to make recommendations.

MEXICAN AMERICANS: ATTITUDES AND ASPIRATIONS

This phenomenon came in the form of a spontaneous cry for equal education opportunities by the Mexican American high school students. This was a cry for quality education so that any Mexican American can choose to be what he or she desires—the promise of America.

It was not surprising that this cry came from the young themselves—the Mexican American youth. While the older folk were still debating on what to call themselves, the young were unwilling to see the patrimony of illiteracy, degradation, dropouts, and kick-outs continue.

They called themselves chicanos, they raised their heads and for once, no longer dropping out of the halls of learning, as so many before them, en masse, walked out of their schools and challenged American society, the American education system to an accounting-accountability.

Some of our young saw themselves kicked out of school and because of educational deficiency, unable to pass examinations, were refused entrance into the Armed Forces to serve their country: others drafted in disproportionate numbers, killed and multilated in Korea and Vietnam far beyond their national representation; others, if lucky to get through high school, saw the cream of the crop, the valedictorian, the saluditorian, flunk out of college.

In the case of the Mexican American young students in vocational educational, too often they stood naked in industrial life with tools and skills no longer marketable. Our young began to see, to understand something that has been suspected for a long time, our young chicano first-graders herded indiscriminately into the dreary halls of mentally retarded classes.

Gentlemen, it was no wonder that it was the young who raised this cry, much to the consternation of the generations ahead of them.

Any one of us who view the tomorrow of our people, must realize that over 50 percent of the Mexican Americans are below 18 years of age. In a word, gentlemen, we have not yet seen our tomorrow.

I am proud of our young, that they refuse, and rightfully so, to stand mute.

This country's institutions, educators, businessmen, government and churches, too long have stood mute during this national tragedy—this tragic waste of human resources, but our young raised their voices and we can't really blame them.

Senator Mondale, how long would you and I continue to do business with a lawyer who lost eight out of 10 cases; a doctor who lost eight of every 10 of his patients?

Being a religionist, what would my Bishop do if I lost eight out of 10 parishioners?

Yet, the institutions, including government, has remained mute as they saw eight out of every 10 Mexican American children drop-

out, kicked out and pushed out of the educational institutions of this country. No one has asked an accounting for the vast sums of public money that have been wasted. But the young are demanding an accounting and I stand with them.

MEXICAN AMERICAN STUDENT WALKOUT

What were the students saying?

The students walkout were not confined to any one area, the Mexican American young in Los Angeles, Calif.; San Antonio, Tex.; Sierra Blanca, Tex.; Chicago, Ill.; Albuquerque, N. Mex.; Crystal City, Tex.; Denver, Colo.; Abilene, Tex.; but to name a few of the places.

Our young Mexican American students, notwithstanding, the great human sufferings, the jailings, the clubbings by police, the abuses by Texas Rangers, stood tall and continued to demand what this Nation says they have a right to seek.

What they demanded and how it was said varied from one area to the next, but the central theme and the demands were the same: "We want an education to prepare us to equally compete in the arena of American economic life." "We refuse to be relegated to the degradation and to the deadend life like so many of our parents. We want a part of that dream America says is ours, and for which many of our brothers have died on the battlefields for this country."

MEXICAN AMERICAN STUDENT DEMANDS

More specifically, the students demanded counsellors who are empathetic, understanding and interested, not disciplinarians. Counselors who would provide information for academic courses. Counselors to provide a choice for the students who might want to enter higher learning, should they wish. Counselors who would advise how and why college examinations came up. Counselors who would help to secure knowledge of college grants or Federal grant programs. They demanded counselors—sufficient to take care of all the students.

They wanted a choice of academic courses to prepare themselves for college entrance instead of constant remedial courses.

They demanded that vocational courses be updated in order to develop marketable skills. They resented as a case in point, learning printing on printing presses no longer in use.

They demanded Mexican American principals and teachers. They clamored to see themselves in this institution which shaped their minds and their souls.

They demanded that facilities be improved, be brought up-to-date. The Mexican American young were tired of second-rate, rundown facilities.

They demanded the right to speak Spanish on the grounds of the schools and not be physically punished, as repeatedly was the case.

In a word, they demanded that the United States and their schools respect the Treaty of Guadalupe made between the United States and Mexico.

They demanded bilingual and bicultural educational programs so that they could be adequately prepared for a pluralistic society

which America professed to be. If they so choose, they wanted to function in two languages.

They demanded that teachers in the Mexican American schools be prepared to teach Mexican Americans. That they be sensitive and knowledgeable to the cultural needs of the Mexican American students.

They demanded to see themselves in history, especially the history of the Southwest, the contributions of those who had gone before them. They demanded that American history be placed in its true perspective.

They demanded that the institution of the schools be more sensitive, to a very sensitive people, that it become more human. They demanded to be treated like human beings.

MEXICAN AMERICAN: EDUCATION AND DISCRIMINATION

Senator Mondale, the Mexican American did not have elementary and secondary schools and even colleges built for them by the Federal Government. He has always had to compete in an institution that was not geared to deal with him, that, really, in many instances did not want him, that viewed him only as a laborer and which was intentionally or unintentionally trying to shut him out.

How else do we explain the loss of eight out of every 10 students?

A few years ago, Mr. Armando Rodriguez, Chief of the Mexican American Affairs Unit of the Office of Education, was asked to be part of a team looking at students' unrest of this country. One of his conclusions of his tour over the country was: "Public education has been an exclusive institution and now is trying to become inclusive." The Mexican American community is well realizing this now.

As was mentioned above, it was the students who raised the first serious challenge to American public education as it related to the Mexican American student.

During this challenge, aided by the Mexican American Legal Defense and Educational Fund's litigation, some major points were observed.

TRACKING

In the San Francisco, Calif.; Santa Ana, Calif.; and San Diego, Calif. lawsuits, sufficient documentation has been gathered to show that Mexican American children have been placed in mentally retarded classes in large numbers.

Some were placed in these classes as the answer to the inability or unwillingness of school administrations to cope with the reality that some children in America come to school with a language of the home different from that of the school; others were placed in these mentally retarded classes through the use of instruments of measurement, that is, the IQ tests which were not geared for, nor intended to be used for the bilingually, biculturally differentiated child, in our case the Mexican American. Evidence has been had where school income for a child in mentally retarded classes is considerably higher than for a child in an ordinary class. This raises the question as to the motives why children in these situations were placed in those classes.

DISCIPLINE: RULES STRUCTURE

In the Elsa-Edcouch case, in Texas, it was observed how school administrations were indiscriminately using suspension and expulsions on the youth who challenged the administration's failure to provide quality education.

SCHOOL RESOURCES: TEACHER QUALITY

In the Los Angeles, Sal Castro case, we saw an effort to accuse this teacher, who assisted the Mexican American students' challenge for quality education, with a seldom used law: "conspiracy to commit a misdemeanor is a felony."

In San Antonio, Tex., it was shown that the Mexican American schools, those predominantly in the area of high concentration of Mexican American, for example, Lanier High School, the caliber and range of educational instruction was markedly different from that of the Anglo area of town.

In San Antonio, Kelly Air Force Base, the Air Base in Del Rio, we even saw where the air bases bus their children away from the school district where a large concentration of Mexican American students lived. Here is public evidence that one school is better than the other; the Air Force is party to this kind of action—government, herself, remains mute.

In the Sonora, Tex. case, the first time the Federal Government, through the Justice Department, has ever entered into a lawsuit for Mexican American education, seemingly different standards were applied to the Mexican American educational segregation problems.

MEXICAN AMERICANS: HIGHER EDUCATION AND FEDERAL AID

I would like to inject here one final example of the dilemmas in which our young Mexican American students find themselves.

At the University of Colorado, in Boulder, the Mexican American college students helped increase the Mexican American college students' participation on that campus from 35 students 2½ years ago to 350 today, with a goal of 800 this coming September.[1]

Much of the funds for this, I understand, are Federal Education Opportunity grants. This program has received acclaim and commendation from the president of the university.

However, the students, within the last few months, had to march and picket the officials of this university in order to maintain this fine program at its present strength.

It seems quite incongruous that the students must march and picket for a program that is not only needed, but has been successful, and has received public commendation by the president of the same university. Another dilemma for the Mexican Americans.

RECOMMENDATIONS

Senator Mondale, I offer these next points as recommendations:

1. Help implement, through appropriate funding, "the recommendations in the report by the National Advisory Committee

[1] See Father Casso's prepared statement, p. 2547.

on Mexican American education—1968—U.S. Office of Education" . . . "The Mexican American Quest For Equality." [2]

Senator MONDALE. I want those recommendations included at the conclusion of your remarks in the record so we will have them all in one spot.

Father CASSO. Very well.

It is called "The Mexican American Quest For Equality." Some 25,000 of these were printed. It is one of the highest printed documents which have been printed in the U.S. Office of Education.

I would like to recommend that the select committee use some of its resources in getting this document out. I understand the plates still exist, and we need this document as a tool, especially to convince the parents of our young that what they ask is not too far-fetched.

2. Help secure adequate fundings to guarantee the publication of the U.S. Commission on Civil Rights major study of the Mexican Americans in the 540 school districts of the Southwest. This data is invaluable in proving the points of our chicano students.

As a matter of fact, it will prove the point of Mr. Mario Obledo, the high percentage of the school districts where you have 50 percent Mexican Americans concentration in school districts throughout this country.

NIXON BILL

3. In the Senate bill on desegregation, S. 3883, make sure that the Mexican Americans and Spanish-speaking are contained and referred to in your legal terminology.

We have found from our experience that it is difficult to get included in these laws when we are not referred to legally through your terminology.

Senator MONDALE. If you would yield there, as you know, it is questionable whether that terminology refers to Mexican Americans. I think it was intended to do so.

Father CASSO. I have studied it quite well.

Senator MONDALE. The language is vague. While at one point they refer to Mexican Americans in the definition, they talk about racial minorities and not ethnic minorities in other sections. They should use both terms.

Secondly, it seems to me that some effort should be made to assure that a fair ratio of these funds are allocated to each of the minorities for the purpose of successful desegregation.

EFFECTS OF SEGREGATION: MEXICAN AMERICANS

Father CASSO. Senator, this is the precise reason why we need that Civil Rights Study. We want to show that, in effect, we can, by law, be applied here because of discrimination.

Senator MONDALE. There is no question but that your point is absolutely well taken. Discrimination against the Mexican Americans is as great as that against any other minority, and the number of concentrated school districts which are all Mexican American or

[2] See p. 2541.

overwhelmingly so is as great as with any other minority. You suffer as much as any others from segregation and discrimination.

Father CASSO. I think the Civil Rights Study will show that segregation is as serious and as damaging to the Mexican American as any other group.

4. Build into your appropriations funding for those organizations that stand ready to challenge school districts not providing quality education for the Mexican American young or those who are abusing their authority, for example, the funding of the La Raza National Law Students Association Centros Legales or the Mexican American Legal Defense and Education Fund—which stands ready to take these cases.

Senator MONDALE. There is a program which OEO funds, called the Committee on Legal Opportunity. It is a very modest program, in which funds are set aside in the form of grants and student assistance to encourage minority students to go on to law school, which I believe is very important.

Do any of you happen to know whether much of this money is being used for the purpose of financing Mexican American law students?

Father CASSO. The Legal Defense Fund has been working with CLEO, and we do have some Mexican Americans in the program. I would like to say we would like to get more, a proportionately higher representation in CLEO.

MEXICAN AMERICAN DISCRIMINATION: LEGAL ISSUES

Mr. OBLEDO. I might add this, Mr. Senator, that, as everyone knows full well, and the documentary evidence is available, that all of the Federal programs having to do with civil rights and the poverty programs have been black and white oriented.

The Mexican American was lost because we are part of the white race, so to speak. That is why I think it is very important, as the Father has pointed out, and which is in one of my recommendations, that the brown be classified as a class apart, so that we also can be considered.

MEXICAN AMERICAN DISCRIMINATION

Sometimes, it is my opinion, perhaps one of the things that should have happened to the Mexican American was to have had separate schools because we were competing with the Anglo in an Anglo school and dropping out.

Consequently, we were never able to develop the lawyers, the doctors and the teachers which the black was able to do, of necessity. They needed black teachers to teach in black schools. They needed black doctors from black medical schools, and so forth.

But at the same time, the Mexican American, or the brown, was being annihilated. We were never able to do that. We have about 600 lawyers in the entire United States that are Mexican American.

I venture to say we have even less doctors, unless you were to count the doctors that come in from Mexico that have been licensed to practice in the United States under a special provision that existed some years ago. So we have been virtually murdered.

That is why when it comes to terms of disadvantaged minority groups, I say, and I say it very strongly, that the brown is the most disadvantaged of any group in this country, of any sizable consequence.

The problems will have to be attacked and brought to the attention of the American public. That is the real question that is the bothersome thing.

There is the challenge to the Mexican American leadership and to the leaders in the Congress.

Senator YARBOROUGH. May I make a comment there?

Mr. Chairman, from my experience, having been reared in Texas and having lived there all my life, I want to associate myself with the statements just made about the browns, the chicanos, the Mexican Americans, being the most disadvantaged of all people in the Southwest.

LANGUAGE AND CULTURE

The average Anglo white, 25 years of age and above, has 12 years of school, the average black nearly 9 years of school, and the average chicano, 6.7 years. That 6.7 years isn't really 6.7 years because most of them came from a home where only Spanish was spoken and went to schools where legally only English could be spoken, and was spoken. So they dropped out, as the school principals have been telling us over and over, they are pushed out illiterate in both languages.

The language barrier is the big barrier for people of Mexican American extraction, plus the fact that geographically they live in the southern part of the State, a place where it is difficult to raise a living from the land.

I grew up in the eastern part of Texas with over 40 inches of rainfall. There wasn't a need for even a lazy man to go hungry in those days if he just threw sweetpotato slips, corn, and peanuts into the ground, it would grow.

But it is not true of the southwestern part. The land, unless it is irrigated, will not produce. The people have to have jobs to earn a living. It takes education to earn.

BILINGUAL EDUCATION

I introduced a bilingual education bill in the Senate in January of 1967. To my amazement, that was the first bilingual education bill ever introduced in the Congress.

When we introduce a bill, we might think it is something new but we find somebody else introduced it years ago. Sam Houston introduced a bill to create a balloon mail in the 1850's, before airplanes.

We passed this bill, but the Office of Education fought it and the administration fought it. We had to pass that over the objections of the executive department. They have held down the funding all the time.

We get the funding in the Appropriations Committee, and by being on the Appropriations Committee and fighting for it hard, and giving somebody else a lot of something for a little of this, we finally got the funding up last year to $21,250,000. This year we got it up to $25 million.

That is one of the things the President vetoed in the educational bill. We passed it over the veto because this was above the President's budget.

But in our authorization bill, this year we have authorized now $80 million a year. It is not enough, but $80 million is getting towards a realistic figure.

But that is the difference between the promise and the performance, what you have just been talking about.

I have been reading this brochure. You are right about this. We need this bilingual education to give the opportunity for these youngsters to be literate in both languages. They would then have great opportunities.

One of the scarcest employable persons you can find in San Antonio today is a young lady who is bilingual, a bilingual secretary. Very often you can hire a Mexican American young lady, a chicano, who is a very fine secretary in English. But she can't translate Spanish into English. She can understand the spoken Spanish, but she is not literate in Spanish.

I have had Spanish-speaking people on my staff since I first came to the Senate. There have been times when I have had to send to the Library of Congress the letters I get which are written in Spanish in order to get correct translations.

People just need more education to take advantage of the opportunities.

I was talking to the dean of one of the law schools in Texas and I asked him about his chicano students. He said, "Well, the average grades of the average chicano in law school are about the middle or the bottom half of the class. But, in my opinion, they are so bright, if they understood English as well, they would average in the middle of the top half of the class."

That is really good, to average in the middle of the bottom half despite a failure to understand a bunch of the English words.

With adequate education the average chicano in law school in Texas would be about the middle of the upper half, the average. Of course, you would have some top honor graduates, too.

It is a great tribute to the innate intelligence of a people, I thought; one of the greatest.

What we need, Mr. Chairman, are educational opportunities so that this country can get the benefit of the intelligence of these gifted people. This bilingual education isn't enough. We have had to fight the administration of both parties. They didn't think of it first. They had a little program for $1 million or $2 million for experimental schools. It is like an old religious song I used to hear as a boy, "mercy drops round us are falling, but for the showers we plead."

It is time for the showers of this bilingual education to be in every city, instead of a little experimental and a little mercy. This is long overdue.

I am commenting fairly well at length, Mr. Chairman. Unfortunately, I had to preside for an hour in the Senate and also the Appropriations Committee is meeting. I am on that committee.

There are some items in this bill that pertain to the protection of the Rio Grande floods and hurricane Beulah. I am trying to hold that money in the appropriations so I must leave to go over there.

I want to say to my fellow Texans, here is one place where we are missing out a lot on. Well, we do have one Californian here but we will adopt you as a Texan.

MEXICAN AMERICANS AND GI BILL

There is one piece of legislation that has opened great opportunities for the chicanos or Mexican Americans. That is the cold war GI bill. I am hoping that every organization dealing with the Spanish-speaking, or the Spanish, as they are called in New Mexico, Mexican Americans, or even the Indians, should stress this cold war GI bill.

We have had over 7 million veterans discharged who are eligible to go to school, and only about 1.5 million have gone.

After World War II, with 16 million veterans, half of them went to school under the GI bill. We are losing out. One reason we are losing out is it took 8 years to get it passed, from the time I introduced the first one in 1958. We passed it through the Senate in 1959. Three administrations fought it. Both political parties and all three Presidents fought it until we finally in the Congress defeated the executive department. They fought it because the Defense Department was telling them to fight it.

Anybody who entered service on or after February 1, 1955—not 1965—who served over 6 months and was honorably discharged, is eligible to go to school under that bill, and he should go, or she, if she is a former Wave, Wac or lady Marine.

They shouldn't miss out on going to school under that bill, whether they finished grade school or whether they dropped out of the fifth grade. In the Army they have learned enough English to get a certificate of equality or a certificate of competence that they have finished the grade schools.

Now we have something under this GI bill that we didn't have under the GI bills of World War II and the Korean conflict. I came back and got it amended in 1967 and 1968, and tried to in 1969, but I didn't get that amendment through until March 27 of this year.

But in the 1966 bill, with these three successive amendments, we now have the best GI bill in history. In the first place, you can get the certificate of equivalency, that he has the equivalent of grade school education, and then he can go to high school. When he goes to high school, some may think, "Well, I have 4 years of high school and I have just been in the service 6 months. You get 1½ months' school for 1 year service. That would mean 1 year of high school and wouldn't mean anything."

But here is where we have the best GI bill we ever had. The Government pays for going to school, 3 or 4 years of high school, however long it takes, and he doesn't use up his 9 months until after he has finished high school and goes to the college level.

This information hasn't been gotten out to people. I have had service officers from Texas, veteran service officers, call me from counties and say, "Senator, they tell us that the veterans can't go to school unless they served in Vietnam."

That is an utter falsehood. The veteran could have served his whole time at Fort Sam Houston, in San Antonio, and have lived one block from Fort Sam Houston. The soldier, marine, or sailor

doesn't determine where he goes. He is ordered there. He is entitled to the schooling regardless. There is no difference in months. Serving in Vietnam or serving in the States, it is exactly the same on the educational benefits.

Coming from the eastern part of the State where we have the Anglos and blacks, with no Mexican Americans. I got acquainted with Mexican Americans in the armed services, in the 97th Infantry Division. Many of the Mexican-Americans who were discharged from the Army we know them in south Texas as prominent lawyers, who got to be lawyers by going to school under the GI bill.

We are missing great opportunities among the economically disadvantaged in this country now by failing to take advantage of that bill.

In our State of Texas, 14.8 percent of the people under the last census have Spanish surnames, but of those killed in action in Vietnam from Texas, 23.4 percent have Spanish surnames. So we have nearly 10 percent more people with Spanish surnames being killed out of the total number serving from Texas than there are people with those surnames in my State.

The VA is not out recruiting these people as they were after World War II and the Korean conflict. They have been told to hold the costs down. They put them off. They claim their applications aren't in order. You need the organizations to talk to these people and encourage them. Don't let the Veterans' Administration discourage them from going to school. They are entitled to go to grade school, but they don't have to. They can get a certificate of equivalency, that they have learned enough and have the equivalent of a grade school education. Then they can go to high school for 4 years, graduate from high school, and then they begin to get a month and a half of school for each month they were in service.

They don't have to go to a conventional college. They can take on-the-job training, flight training, on-the-job training in a factory, store, or business. They can go to a technical school, a trade school, a vocational school, a business college. Business colleges don't just have secretarial courses. They have many courses for men and women in business. They can go to all of these schools.

This is one of the greatest educational opportunities in the country being missed by young adults. It is a readjustment assistance to let them readjust to civilian life.

Here is one opportunity that many of our Mexican American citizens are missing simply because the VA hasn't had the dedication to make this opportunity more accessible. They are told not to, that it will cost money in the budget.

I think that anything spent on education is helpful to the budget. I don't think education is inflationary. War is inflationary. Education isn't inflationary.

When you have a man going to school, he is not spending a lot of money for boats, fishing tackle, automobiles. He is having a tough time to get by on limited money. He is out of the inflationary segment. The educated person is anti-inflation.

This vetoing an educational bill and calling it inflationary is misplaced economics. It is just not economics.

I regret that I can't stay here and hear all of your statements, but I might say we have some money for Texas in this appropriation bill, along the Rio Grande, to save people's homes, to put up levees as a result of the experience from the hurricane Beulah. It is to save the homes from being ruined again.

That is the only reason, Mr. Chairman, that I have taken the liberty of speaking this long at this point, because I am forced to leave again.

Mr. OBLEDO. I agree with you, Senator, on the GI bill, but you have to remember, Senator, that in order to be eligible for the bill, for training in college, you needed a high school education and we weren't getting the high school graduates, Mexican Americans.

We are not getting the high school graduates to go to college. A lot of times, as the Senator knows, we were directed into vocational schools. Having finished vocational schools, you came to find out you didn't have the college credits and there you were stuck.

That is why a lot of the Mexican American students were never able to take advantage of the GI bill.

Senator YARBOROUGH. That is why we put that in there this time, that you are entitled, and the Government will pay you to go to high school for 4 years, to make it possible, to make this the best GI bill for the Mexican American in history.

That is why I am pointing it out. The Veterans' Administration is not going on the radio with spots as they were after World War II and after the Korean conflict to tell about this. They are not educating people. We need to educate our people and let them get the advantage of this training.

The Certificate of Equivalency will save them having to go through grade school. Many can get a Certificate of Equivalency showing they have the learning, knowledge, and equipment of a high school education, and won't have to sit in high school for 4 years.

I have seen corporals and sergeants who have high proficiency and they can get the Certificates of Equivalency. But there are other avenues. It isn't just vocational education alone.

They can get the high school education without using their entitlements. Of course, the maximum is 36 months of school, and 4 years of college. But they don't have to use up any of that Certificate of Equivalency on high school. They can get that free.

Another provision we have in there is this: In the past, ex-servicemen got higher allowances if married and an additional allowance for one child.

Now, we have that additional allowance for every child. If he comes out a sergeant with 20 years' service and has eight children, he gets an additional allowance for every child. He can make it, and he ought to go to school.

In the past, if they reenlisted under the previous GI bills, they were cut off. Now the reenlistment will not cut him off. That is very important.

We have a bill here to protect servicemen against all those things that cut him off before and didn't let him get the education. But it is not known to the people. They are not being told, urged, and motivated enough.

The discouraging factor is that the VA holds up their certificate for a permission to go to school until the next year thinking maybe they will get discouraged and quit, and the VA will not be out that money.

What you have to do is hold the VA's feet to the fire and let these men go to school. It will take organization and effort to do it. I just want to point that out.

BILINGUAL EDUCATION

On semantics, I want to mention this: When we were debating the bilingual education bill, some of the people testifying spoke about a second language and threw us off the track because some of the Senators did not understand.

The semantics I adopted were the mother tongue and the national language. It kept some roadblocks from being thrown up in the way of what we were trying to accomplish to help make these bright youngsters live with two languages, giving them greater opportunities.

Many people, even educational psychologists, said that if a child was taught two languages, it stimulated the mind. There was a greater development.

People, perhaps on the eastern seaboard and in New York. can afford to send their children to private schools, where they are taught the second language.

Senator MONDALE. Did you know that the biggest grant in bilingual education has been awarded to Dade County? The National Research Center will be located there.

Senator YARBOROUGH. I don't see how this administration got by without giving it to California, but I guess that is what that Biscayne Bay must do.

Forty percent of all the Mexican Americans live in the Southwest. If they don't want to educate them in California and Texas—we have 80 percent of all the Chicanos in the United States in Texas and California, and most of those are in between, in New Mexico, Colorado, and Arizona. But they took it to Miami?

Father CASSO. That was much of the discussion of yesterday's presentation. Since I have followed much of your efforts and admired your efforts in pushing bilingual education through, I think it would be very, very important that both you and Senator Mondale look into some of the decisions that are being made.

If they keep making the decisions that are being made in Title VII of the Bilingual Act, I can see nothing but the demise of bilingual education.

Senator YARBOROUGH. You can see nothing but what?

Father CASSO. But the demise. I think it will die. If it dies, you know as well as I do, that it took 150 years to get there, and it will take another 100 years to get back to it.

Senator YARBOROUGH. I will not be here next year, but I am encouraged that people like Senator Mondale, and the Senators who have come here since I got here 13 years ago, such as Cranston, of California, will not let it die.

Of course, the Office of Education has never been interested in bilingual education.

The distinguished Senator from New York has just come in, Senator Javits. We had hearings on the bilingual education bill before we got it passed, holding hearings in Texas, California, Washington, and New York.

In New York, Senator Javits participated in the hearing and supported the bill.

We were just talking about, Senator Javits, the efforts of the Office of Education, which has never been for it. They tried to put it down. We asked for your strong support in putting heat on them, making them support this bilingual education and putting enough money into it to make it worthy.

I regret that I must leave, but the Appropriations Committee is meeting.

Senator MONDALE. Father, would you proceed?

Father CASSO. My fifth recommendation is to help us secure moneys to get young Mexican Americans into the school of law since it is from the ranks of these young men the legal minds will come to protect the guarantees of quality education and educational opportunity for our young.

COMPLIANCE: HEW

6. Move HEW to be more aggressively involved in Statewide class suit actions on behalf of the Mexican Americans, similar to the recent action in Texas.

7. Recommend that the HEW civil rights section review each of the school districts where large segments of Mexican Americans reside. I am sure you will find, as the Legal Defense Fund has found, districts that, although approved for compliance in civil rights educational designs, are not in reality.

SENSITIVE AND HUMANE SCHOOLS

8. Help us build a truly bilingual, bicultural society.

9. Help us make the public schools of America more human, more sensitive, more responsive to the educational formation of the Mexican Americans, all the Spanish-speaking and the poor.

10. Join forces with the Mexican Americans in asking for a moratorium in the use of IQ tests until better instruments are devised.

11. Investigate the use of mentally retarded classes in the United States.

Senator Mondale and Senator Javits, I urge you to keep up with your aggressive leadership. I have observed what you have done for our people in the migrant hearings. Education in the migrant needs a hearing by itself. You are a glimmer of hope in an otherwise callous institution.

Listen to the demands of our Chicano young. They will not stop —and I hope and pray they do not—until the notion of equal education opportunity is meaningful for them.

A few years ago, my esteemed friend here with us, Dr. Hector Garcia, as alternate ambassador to the United Nations, stood in that illustrious hall as a Mexican American, doctor of medicine, and

representative of this country. He spoke on nuclear disarmament in the Spanish language.

Later he expressed the condolences of the American people to one of the Central American countries, on the occasion of the death of their leader.

He won the admiration and respect of the representatives of the countries throughout the world, not only for himself, the Mexican Americans, but for all Americans.

May, Senator Mondale and members of this committee, with your help, these same scenes become a common occurrence for our young Mexican-Americans, and only then, when this happens, will the voices of our young Chicano really have been heard.

Thank you.

(The document referred to follows:)

THE MEXICAN AMERICAN QUEST FOR EQUALITY

NOTE. The National Advisory Committee on Mexican American Education was created to advise the Commissioner of Education on the education of Mexican American. The opinions expressed in this, the Committee's first report, are those of the Committee and do not necessarily reflect the official view of the U.S. Office of Education.

Failure to provide education to hundreds of thousands of people whose cultural heritage is "different" has resulted in shameful waste of human resources. The melting pot ideology that we speak of so proudly has not produced a moral climate in which all citizens are accepted on the basis of individual worth.

Educators, especially, must search their consciences for an answer to the question: Is only a monolingual, monocultural society acceptable in America?

Never before has the need for equal opportunity for all Americans been so sharply put into focus. And no group is in greater need of equal educational opportunity than the Mexican American.

There are more than five million Mexican Americans in the United States, 80 percent of whom live in California and Texas. Most of the other are found in Arizona, Colorado, New Mexico, Illinois, and Ohio. In excess of four million of these people live in urban areas.

The Mexican American is the second largest minority group in the United States and by far the largest group of Spanish-speaking Americans. The fact that most of them have learned Spanish as their first language and that millions are not fluent in English makes them no less Americans. Their interests, attitudes, and aspirations differ little from those of other Americans.

Yet they have been denied the opportunities that most other Americans take for granted. Suffering the same problems of poverty and discrimination of other minority groups, the Mexican American is additionally handicapped by the language barrier. The typical Mexican American child is born of parents who speak little or no English, and thus Spanish becomes his only language. When he reaches school age, he is enrolled in a public school where only English is accepted. Bewildered and ashamed of his "backwardness," the Mexican American child is quickly discouraged and drops out within a few years, enlarging the ranks of the uneducated, unskilled, and unwanted.

Let's look at some shocking statistics.

The average Mexican American child in the Southwest drops out of school by the seventh year. In Texas, 89 percent of the children with Spanish surnames drop out before completing high school!

Along the Texas-Mexico border, four out of five Mexican American children fall two grades behind their Anglo classmates by the time they reach the fifth grade.

A recent study in California showed that in some schools more than 50 percent of Mexican American high school students drop out between grades 10 and 11; one Texas school reported a 40 percent dropout rate for the same grades.

Mexican Americans account for more than 40 percent of the so-called "mentally handicapped" in California.

Although Spanish surnamed students make up more than 14 percent of the public school population of California, less than ½ of one percent of the college students enrolled in the seven campuses of the University of California are of this group.

These facts give tragic evidence of our failure to provide genuine educational opportunity to Mexican American youth; and today there are nearly two million of these children between the ages of 3 and 18.

It can't be said that nothing has been done for these youngsters. The Federal Government, through the Elementary and Secondary Education Act (ESEA), has given a good deal of financial aid to schools for the purpose of improving the education of Mexican Americans. Although a few millions of dollars have been spent, hundreds of millions still need to be spent—and for hundreds of thousands of Americans it is even now too late. State and local agencies have spent respectable sums of money—and even more energy—in behalf of the Mexican American but none has given the problem the really massive thrust it deserves.

Money is only one problem. Perhaps an even more serious one is the problem of involuntary discrimination—that is, our insistence on fitting the Mexican American student into the monolingual, monocultural mold of the Anglo American. This discrimination, plus the grim fact that millions of Mexican Americans suffer from poverty, cultural isolation, and language rejection, has virtually destroyed them as contributing members of society.

Another problem is that we have not developed suitable instruments for accurately measuring the intelligence and learning potential of the Mexican American child. Because there is little communication between educators and these non-English speaking youngsters, the pupils are likely to be dismissed as "mentally retarded." Common sense tells us that this is simply not so. The chasm that exists between the teacher and the student in the classroom is even wider between the school and the home, where there is virtually no communication. Such lack of understanding soon destroys any educational aspiration the pupil might have or that his parents might have for him.

The Committee believes there are six critical issues in the improvement of Mexican American education:

Issue No. 1. The existing educational programs for the Mexican American have been woefully inadequate and demand serious evaluation.

Issue No. 2. Instruments are lacking for measuring intelligence and achievement potential of Mexican Americans.

Issue No. 3. A very small percentage of Mexican American students who could qualify for college actually enroll.

Issue No. 4. Legal restrictions in various states discourage instructions in languages other than English.

Issue No. 5. There is an exceedingly high dropout rate of Mexican Americans in public schools.

Issue No. 6. Society has not recognized, or at least accepted, the need for a multilingual, multicultural school environment.

The Mexican American Affairs Unit of the U.S. Office of Education has identified four imperatives for educational success of the Mexican American:

1. Preparation of teachers with the skills necessary to instruct Mexican American pupils in such a manner as to insure success. This includes bilingual capability.

2. Instruction in both English and Spanish so that the mother tongue is strengthened concurrent with the pupil learning a second language, and then using both languages. This bilingual instruction must occur in all curriculums, and at all grade levels until the student is thoroughly at home with his second language.

3. Instruction to preschool Mexican American pupils so that they are more nearly ready to take their place with others by the time they enter school.

4. Complete programs for adults in both basic education and vocational education.

The vehicles for achieving the foregoing imperatives already exist:

1. Teacher preparation: Educational Personnel Development Act, Bilingual Education Act, Title I, ESEA.

2. Bilingual education: Title VII, ESEA, Bilingual Education Act.
3. Early childhood education: Headstart and Followthrough, Title I, ESEA.
4. Adult basic and vocational education: Amendments to the 1963 Vocational Education Act.

Once we have faced up to the critical issues and recognized the imperatives, the Committee recommends specific action on several fronts.

GENERAL

1. We must immediately begin to train at least 100,000 bilingual-bicultural teachers and educational administrators.
2. We must make use of current knowledge and encourage further research to assist in creating educational programs that promise learning success for the Mexican American.
3. We must agitate for priority funding by the U.S. Office of Education to develop educational programs immediately.
4. We must see that testing instruments are developed that will accurately measure the intelligence and achievement potential of the Mexican American child.
5. We must promote programs to assist state legislatures in taking the necessary action to permit instruction in languages other than English.
6. We must help the various states to recognize the need for statewide programs in bilingual education.
7. We must provide assistance, through Federal funds, to Mexican American students in pursuit of a college education.
8. With the leadership of the Federal Government, we must increase the adult basic education and vocational programs, to equip the Mexican American adult with skills and knowledge necessary to become a partner in our economic society.
9. We must encourage parental involvement programs at the state and local levels.
10. We must encourage state and local education agencies to use more effectively the Mexican American personnel on their staffs.
11. We must foster a joint effort of the Federal Government and private enterprise to produce instructional materials that are designed expressly for Mexican American students.

FEDERAL LEGISLATION

1. Increase the funding of Title VII, ESEA, to $150,000,000 for the year 1970, to provide a minimum of $100 per child for relevant educational services for the Mexican American.
2. Increase the funding of Headstart and Followthrough by 10 percent, to provide a sufficient financial base to meet the needs of many Mexican Americans not presently served by these programs.
3. Continue the present funding level of the Migrant Education provision of Title I, ESEA.
4. Continue Title VII, ESEA, as a discretionary program administered by the U.S. Office of Education.
5. Continue Title VIII, ESEA, Dropout Prevention Act, as a discretionary program administered by the U.S. Office of Education, and increase its funding for 1970 to $50,000,000.
6. Increase the funding support of Title IV-A of the Higher Education Act, Educational Opportunity Grants, by 15 percent, to be directed toward college enrollment of Mexican Americans.
7. Establish a Land Grant College, with specific responsibility for programs and research related to the bilingual-bicultural student.
8. Amend Title I, ESEA, to permit the use of funds for the education of Mexican Americans whose income may not qualify him, or as more often is the case, whose children may not qualify because of cultural attitudes toward depending on public welfare support.

STATE LEGISLATION

1. Remove legal barriers to instruction in the public schools in languages other than English.

2. Appropriate and identify supplementary funds for support of specialized programs for the Mexican American.

ADMINISTRATION—U.S. OFFICE OF EDUCATION

1. Expand the responsibility of the Mexican American Affairs Unit of the Office of Education to include all Spanish-speaking programs.
2. Continue to press for employment of Mexican American professional and supporting personnel in all units of the U.S. Office of Education.
3. Allocate specific funds for determining the most effective direction in research for the Mexican American.
4. Develop an intensive program of information on the educational needs of the Mexican American.

ADMINISTRATION—CHIEF STATE SCHOOL OFFICERS

1. Seek out and employ Mexican Americans in policy and administrative positions in state departments of education, and encourage similar programs in local education agencies.
2. Set up a unit for coordinating and encouraging the development and operation of programs for the Mexican American.
3. Develop a statewide program for bilingual education.
4. Promote the redirection of priorities in the use of Title I, ESEA, funds, to focus on bilingual-bicultural programs.
5. Promote the increased involvement of the Mexican American in advisory committees in local educational programs.

Este informe representa un avance en la determinación de millones de méxico-americanos para asegurar oportunidades iguales en el campo educativo. Por primera vez una comisión consejera nacional agudamente pone en foco las deprivaciones de nuestra minoría, minoría que ocupa el segundo lugar en número.

La comisión define el problema y bosqueja direcciones específicas que se deben tomar en todos niveles del esfuerzo educativo para confrontar la demanda del ciudadano bilingüe y bicultural. Este identifica los diseñados recursos del gobierno federal para asistir en el desarrollo de programas efectivos en enseñanza y conocimiento para el méxico-americano.

Urjo que Vds. usen la información en este informe como un medio de traer a la atención de los educadores, legisladores, líderes de comunidad, y todo ciudadano las críticas necesidades educativas del méxico-americano. Sólo por medio de esfuerzos concertados es posible que este encargo para cambio se haga una realidad.

Armando Rodriquez, Jefe
Unidad de Asuntos Mexico-Americanos
Oficina de Educación, Estados Unidos

This report represents a landmark in the determination of millions of Mexican Americans to secure equal educational opportunity. For the first time a national advisory committee focuses sharply on the educational deprivation of our second largest minority.

The committee defines the problem and outlines specific direction to be taken at all levels of educational endeavor to meet the challenge of the bilingual, bicultural citizen. It identifies the resources of the Federal Government designed to assist in the development of effective teaching/learning programs for Mexican Americans.

I urge that you use the information in this report as a means of bringing to the attention of educators, legislators, community leaders, and every citizen the critical educational needs of the Mexican American. Only through such a concerted effort can this mandate for change become a reality.

ARMANDO RODRIGUEZ,
Chief, Mexican American Affairs Unit,
U.S. Office of Education.

The opinions expressed herein do not necessarily reflect the position or policy of the U.S. Office of Education, and no official endorsement by the USOE should be inferred.

The Southwestern Cooperative Educational Laboratory of Albuquerque, deeply concerned with and dedicated to improving the educational opportunities of the Mexican American, as well as other Southwestern culturally divergent groups, is pleased to have published this report.

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Senator MONDALE. Thank you for a most moving statement.

TRACKING

A good share of my optimism concerning solutions to this tragic problem stems from the movements developing among Mexican Americans and young people, generally, against this kind of insensitive and disastrous educational policy.

You mentioned the mentally retarded. I think it is hard for those of us who are not Mexican Americans to realize that it is a very standard practice to assign a child who has only an English language problem not to a class where he learns English but to a mentally retarded class.

You have dealt with parishes and with the young. Is it your testimony that this is a widely seen practice?

Father CASSO. It is widely practiced, yes, from the evidence of the three cases that are being held in California, which is a more enlightened State as far as education is concerned, one could conclude if this is happening there, and with great resources we are trying to move this in the courts, you can imagine what it is like in other States.

I feel so strongly about this that I call it the great rape of the mind. Generally, when you talk about rape, people get excited, but no one seems to get excited about the raping of the minds of children in the first grade.

To me, this is one of the greatest American tragedies of this country. This itself, ought to have another hearing.

Senator MONDALE. Yesterday, Dr. Cardenas said that even the figures we have of dropouts, under-achievement and so on, fail to fully state the problem, because on the basis of migrant study they estimated that 20 percent of the Mexican American children never show up in any school, so they don't show up in any of our educational statistics.

Do you think there is some justification for that assertion?

Father CASSO. I think if you take the expressions that have been presented here, and those that will be presented, to the Mexican American, the young Chicano, they do not see the institution of schools as an institution that is empathetic and something willing to help them.

If you will take, for example, Dr. Polomares, one of our outstanding early childhood specialists, they tried to put him in a mentally retarded class. He had to move from that school district to another to avoid it.

Most of our leaders, if they weren't shoved into the mentally retarded classes were shoved into the vocational classes as a device, this is how they would educate the Mexican Americans. We have a very big job to do.

This is why I am grateful for this kind of opportunity to get into the record the expressions of a great people. Fifty percent of our youth are below 18 years of age. If in the migrant stream, which testimony you have received, they go into 48 of these 50 States, and if pragmatically, socially, economically, and politically we are going to start dealing with those 260 million people to the south, somehow or other we are going to have to start dealing with the 10 million Spanish-speaking that front a 1,800-mile frontier.

Until we do that, then I really think we are going to stand in the nakedness of our hypocrisy to the 26 countries to the south.

Senator MONDALE. Undoubtedly.

Senator Javits?

Senator JAVITS. I wish to state, Mr. Chairman, that my presence here today, for the limited time I have, as I have to be occupied this morning considering problems of peace and war is to show my interest in the problems of minorities other than the black minority in the United States which constitute important aspects of the struggle for equal opportunities.

I want to assure the witnesses, though I have not heard as much of the detailed testimony as I should like, that I will, as the ranking minority member of this committee present, working with Senator Mondale, see that whatever we do is done to benefit the Mexican American, the Puerto Rican, and other minorities in the country, which may be regional in character but which are entitled to as much of the application of what we propose to do as the black minority.

I wish to affirm the fact that we have not been blinkered in terms of the black minority as the only minority, or even the preponderant minority in terms of our interest.

I think this committee is broad-visioned enough and will, by the time you gentlemen and others have completed your testimony, be in possession of sufficient facts and a substantial enough record to understand that you, too, are deeply bedeviled by the lack of equal educational opportunity.

Perhaps different schemes and techniques are used to inhibit your children, the children of Mexican Americans, from receiving the education they should have in this country.

Perhaps we may have to adapt our techniques specifically to meet your unique problems. For example, you speak of mentally retarded classes as perhaps a way where the equal opportunity concept is avoided in this field.

I assure you I feel equally responsible, morally and legally, to the minority for which you speak as to the black minority.

I think that is the big point that makes it important for your presence here to be recognized, to be effective.

You are quite right about Senator Mondale. He has done an outstanding job in the migrant field as well as in this field. He developed the idea from which this committee was established. I have had the privilege of working with him from the first amendment, which brought it about, and I can assure you your confidence in the chairman is not misplaced.

I believe that applies to the other members. Senator Yarborough, the Chairman of the Committee on Labor and Public Welfare, has spoken of his deep interest and deep knowledge of this situation. I think you will find there will be no distinctions of party, or even conservatives and liberals.

You may all be sure that we know when we legislate or recommend legislation that there are diverse minorities—all to be treated with greatest respect—but each with problems unique to it.

Therefore, legislation must be shaped to accommodate the injustices across the board for all the minorities, with particular attention to the particular type of injustice which affects individual minorities.

Thank you, Mr. Chairman.

Senator MONDALE. Thank you, Senator Javits, for your kind remarks about me.

I think these witnesses know that this committee was created out of the debate over the so-called Stennis amendment, and was proposed by Senator Javits and myself.

During the course of that debate Senator Javits and I introduced a resolution to try to deal with what we thought was a proper criticism, that racial discrimination in education exists throughout this country not only just in the South. We need a national strategy.

Senator Javits continues to be a most effective leader for such a strategy.

Our next witness is Mr. Carlos Vela.

Mr. OBLEDO. Senator Mondale, I am scheduled to leave the city at 1 o'clock, and I would like to be excused.

Senator MONDALE. We are most grateful for your testimony.

(The prepared statement of Fr. Henry J. Casso follows:)

PREPARED STATEMENT OF FR. HENRY J. CASSO, DIRECTOR OF DEVELOPMENT & EDUCATION DEPARTMENT, MEXICAN AMERICAN LEGAL DEFENSE AND EDUCATION FUND, L.A. OFFICE

Senator Mondale, Members of the Senate Select Committee on Equal Education Opportunities:

May I take advantage of these first moments, to express my personal admiration and appreciation for the vision and foresight shown by this committee in providing time that Mexican American representatives have the

opportunity to share the tragedies, the happenings, the hopes and dreams of a great people in whose hands, it is my opinion, lies much of the tomorrow for this country of ours, especially as increased dealings with the 260 million people in the 26 countries to the South becomes more a political and economic necessity.

In 1968, a new phenomenon emerged for the first time among the Mexican Americans in this country. This came in the form of a spontaneous cry for equal education opportunities by the Mexican American high school students. This was a cry for quality education so that any Mexican American can choose to be what he or she desires—*the promise of America.*

It was not surprising that this cry came from the young themselves—the Mexican American youth. While the older folk were still debating on what to call themselves, the young were unwilling to see the patrimony of illiteracy, degradation, drop-outs and kick-outs continue.

They called themselves Chicanos, they raised their heads and for once, no longer dropping out of the halls of learning, as so many before them, in mass, *walked out of their schools* and *challenged American society, the American education system to an accounting-accountability*

Some of our young saw themselves kicked out of school and because of educational deficiency, unable to pass examinations were refused entrance into the armed forces to serve their country; others drafted in disproportionate numbers, killed and mutilated in Korea and Vietnam far beyond their national representation; others if lucky to get through high school saw, the cream of the crop, the valedictorian, the saluditorian, flunk out of college.

In case of the Mexican American young students in vocational educational, too often they stood naked in industrial life with tools and skills no longer marketable. Our young began to see, to understand something that has been suspicioned for a long time, our young Chicano first graders horded indiscriminately into the drear halls of mentally retarded classes.

Gentlemen, it was no wonder that it was the young who raised this cry, much to the consternation of the generations ahead of them.

Any one of us who view the tomorrow of our people, must realize that over 50% of the Mexican Americans are below 18 years of age. In a word, gentlemen, we have not yet seen our tomorrow. I am proud of our young, that they refuse, and rightly so, to stand mute. This country's institutions, educators, businessmen, government and churches, too long have stood mute during this national tragedy—this tragic waste of human resources, but our young raised their voices and we can't really blame them.

Senator Mondale, how long would you and I continue to do business with a lawyer who lost eight out of ten cases; a doctor who lost eight of every ten of his patients. Yet the institutions including government has remained mute to see eight out of every ten Mexican American children drop out, kicked out and pushed out of the educational institution of this country. No one has asked an accounting for the vast sums of public money that have been wasted. But the young are demanding an accounting and I stand with them.

What were the students saying. The students walk outs were not confined to any one area, the Mexican American young in Los Angeles—California; San Antonio—Texas; Sierra Blanca—Texas; Chicago—Illinois; Albuquerque—New Mexico; Crystal City—Texas; Denver—Colorado; Abilene—Texas but to name a few of the places. Our young Mexican American students, notwithstanding, the great human sufferings, the jailings, the clubbings by police, the abuses by Texas Rangers, stood tall and continued to demand what this nation says they have a right to seek. What they demanded and how it was said varied from one area to the next, but the central theme and the demands were the same. "We want an education to prepare us so we can equally compete in the arena of American economic life." "We refuse to be relegated to the degradation and to the dead end life like so many of our parents." "We want a part of that dream America says is ours and for which many of our brothers have died in the battle fields for this country."

More specifically, the students demanded counselors who are empathetic, understanding and interested, not disciplinarians. Counselors who would provide information for academic courses. Counselors to provide a choice for the students who might want to enter higher learning should he wish. Counselors who would advise how and when college examinations came up. Counselors who would help to secure knowledge of college grants or Federal grants programs. They demanded Counselors—sufficient to take care of all the students. They were asking counselors to do their job.

They wanted a choice of academic courses to prepare themselves for college entrance instead of constant remedial courses.

They demanded that vocational courses be up-dated in order to develop marketable skills. They resented as a case in point, learning printing on printing presses no longer in use.

They demanded Mexican American principles and teachers. They wanted to see themselves in this institution which shaped their minds and their souls. This institution which has not developed the Mexican American teacher, when developed, was not utilized to fullest capacity.

They demanded that facilities be improved, be brought up-to-date. The Mexican American young were tired of second rate, run down facilities.

They demanded the right to speak Spanish on the grounds of the schools and not be physically punished, as repeatedly was the case.

In a word, they demanded that the United States and their schools respect the Treaty of Guadalupe * made between the U.S. and Mexico.

They demanded bilingual and bicultural educational programs so that they could be adequately prepared for a pluralistic society which America professed to be. If they so choose, they wanted to function in two languages.

They demanded that teachers in the Mexican American schools be prepared to teach Mexican American students. That they be sensitive and knowledgeable to the cultural needs of the Mexican American students. They no longer accepted the teacher rejects from the Anglo schools.

They demanded to see themselves in history especially the history of the Southwest, the contributions of those who had gone before them. They demanded that American history be placed in its true perspective.

They demanded that the institution of the schools be more sensitive, to a sensitive people, that it become more human. They demanded to be treated like human beings.

Senator Mondale, the Mexican Americans did not have elementary and secondary schools and even colleges built for them by the Federal Government. He has always had to compete in an institution that was not geared to deal with him, that really in many instances did not want him, that viewed him only as a laborer and which was intentionally or unintentionally trying to shuff him out. How else do we explain the loss of eight of every ten students?

A few years ago, Mr. Almando Rodriguez, Chief of the Mexican American Affairs Unit of the Office of Education was asked to be a part of a team looking at student's unrest in this country. One of his conclusions from his tour over the country was "Public education has been an exclusive institution and now is trying to become inclusive." The Mexican American community is well realizing this now.

As we mentioned above, it was the students who raised the first serious challenge to American Public Education as *it related to the Mexican American* student. During this challenge, aided by the Mexican American Legal Defense and Education Fund's litigation some major points were observed.

In the San Francisco, California; Santa Ana, California and San Diego, California law suits, sufficient documentation has been gathered to show that Mexican American children have been placed in mentally retarded classes in disproportionate large numbers. Some were placed in these classes as the answer to the inability or unwillingness of school administrations to cope with the reality that some children in America come to school with a language of the home different from that of the school; others were placed in these mentally retarded classes through the use of instruments of measurement, i.e. the I.Q. tests which were not geared for, nor intended to be used for the bilingual, bicultural child, in our case the Mexican American. Evidence has been had where school income for a child in mentally retarded classes is considerably higher than for a child in an ordinary class. What questions can this raise?

In the Elsa-Edcouch case, it was observed how School Administrations were indiscriminately using suspension and expulsions on the youth who challenged the Administrations failure to provide quality education.

In Los Angeles, Professor Sal Castro case, we saw an effort to accuse this teacher, who assisted the Mexican American students challenge for quality education, with a seldomly used "law conspiracy to commit a misdemeanor is a felony."

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* February 2, 1848.

In San Antonio, Texas, it was shown that the Mexican American schools, those predominately in the area of high concentration of Mexican American, e.g. Lanier High School, the calibre and range of educational instruction was marked different from that of the Anglo area of town.

In San Antonio, Kelly Air Force Base, in Del Rio Air Base,* we even saw where the air bases bus their children away from the school district where a busy concentration of Mexican American students lived. Here is public evidence that one school is better than the other; the Air Force is party to this kind of action—government herself remains mute.

In the Senora, Texas case, the first time the Federal Government through the Justice Department has ever entered into a law suit for Mexican American education, seemingly different standards were applied to the Mexican American educational segregation problems.

I would like to inject here one final example of the dilemmas in which our young Mexican American students find themselves.

At the University of Colorado at Boulder, Colorado—the Mexican American college students helped increase the Mexican American college student presence on that campus, from 35, two and a half years ago, to 350 today, with a goal of 800 this coming September. Much of the funds for this I understand are Federal Education Opportunity grants. This program has received acclaim and commendation from the President of the University. However, the students within the last few months had to march and picket the officials of this University in order to maintain this fine program at its present strength. It seems quite incongruous that the students must march and picket for a program that is not only needed, has been successful, and has received public commendation by the President of the same University. Another dilemma for the Mexican Americans.

I am to understand—the Mexican Americans at University of California at Ervine—must fight to get even one half of the Education Opportunity Program slots, yet they make up 4 times as many in the county population than the competitor.

RECOMMENDATIONS

Senator Mondale, I offer these next points as recommendations:

1. Help implement through appropriate funding "the recommendations in the report by the National Advisory Committee on Mexican American education—1968—U.S. Office of Education" . . . "The Mexican American Quest for Equality." [See attached copy]
2. Help secure adequate fundings to guarantee the publication of the U.S. Commission on Civil Rights major study of the Mexican American's in the 540 school districts of the Southwest. This data is invaluable in proving the points of our Chicano students.
3. In the Senate Bill, on desegregation S.–3883, make sure that the Mexican Americans and Spanish speaking are contained and referred to in your legal terminology. The Civil Rights' Study above shows that segregation is as serious and as damaging to the Mexican Americans as any other group.
4. Build into your appropriations funding for those organizations that stand ready to challenge school districts not providing *quality education* for the Mexican American young or those who are abusing their authority. e.g. the funding of the *Mexican American Law Students Association Casa Legales* or the Mexican American Legal Defense and Education Fund.
5. Help us secure moneys to get young Mexican Americans into the schools of law since it is from the ranks of these young men the legal minds will come to protect the guarantees of quality education and educational opportunity for our young.
6. Move HEW to be more aggressively involved in state wide class suit actions on behalf of the Mexican Americans, similar to the recent action in Texas.
7. Recommend that the HEW Civil Right Section review each of the school districts were large segments of Mexican Americans reside. I am sure you will find districts that although approved for compliance in Civil Rights educational designs, are not in reality.
8. Help us build a truly bilingual, bicultural society.
9. Help us make the public schools of America more human, more sensitive,

* Del Rio Air Base was presented in testimony before the U.S. Commission on Civil Rights—San Antonio Hearings—1968.

more responsive to the educational formation of the Mexican Americans, the Spanish speaking and the poor.

10. Join forces with the Mexican Americans in asking for a moratorium in the use of I.Q. tests until better instruments are devised.

11. Investigate the use of mentally retarded classes in the U.S.

Senator Mondale, I urged you to keep up with your aggressive leadership. I have observed what you have done for our people in the Migrant Hearings. Education of the Migrant needs a Hearing by itself. You are a gleamer of hope in an otherwise callous institution.

Listen to the demands of our young, they will not stop and I hope and pray they do not, until the notion of Equal Opportunity is meaningful for them.

A few years ago, my esteemed friend here with us, Dr. Hector Garcia, as alternate Ambassador to the United Nations, stood in that illustrious hall as a Mexican American, Doctor of Medicine, and representative of this country. He spoke on nuclear disarmament in the Spanish language. Later he expressed the condolences of the American people to the one of the Central American countries, on the occasion of the death of their leader. He won the admiration and respect of the representatives of the countries throughout the world, not only for himself, the Mexican Americans, but for all Americans.

May, Senator Mondale and members of this committee, with your help, these same scenes become a common occurrence for our young Mexican Americans and only then, when this happens, will the voices of our young really have been hard.

Thank you.

STATEMENT OF CARLOS VELA, ATTORNEY, FORMER COORDINATOR, TEXAS STATE OFFICE OF CIVIL RIGHTS, HEW OFFICE, CORPUS CHRISTI, TEX.

Mr. VELA. Senator Mondale I would like to also echo my appreciation for the efforts of this committee, and I hope it will provide the spark that is needed in this area.

Before beginning, I introduce myself presently as an attorney at law, having been in the past an assistant attorney general for the State of Texas in Austin, Tex., a general attorney for the Equal Employment Opportunity Commission in Washington, D.C., a civil rights specialist for the U.S. Department of Agriculture in Washington, D.C., and a civil rights specialist and Texas State coordinator for the regional Office for Civil Rights of the U.S. Department of Health, Education, and Welfare in Dallas, Tex.

I was employed with the Office for Civil Rights in Dallas from April 21, 1968, until June 20, 1970, when I resigned to return to private law practice.

As Texas State coordinator for the regional Office for Civil Rights, I was basically responsible for obtaining compliance with the Civil Rights Act from school districts in the State of Texas.

MEXICAN AMERICAN DISCRIMINATION AND OFFICE FOR CIVIL RIGHTS

Implementation of the Civil Rights Act of 1964 against school districts discriminating against Mexican Americans has been virtually nonexistent, despite the fact that it is an acknowledged fact that such discrimination has been historically widespread, specifically in Texas and in the Southwest.

First, let us look at the Office for Civil Rights itself. It is composed of three branches: Education; Health and Welfare; and Contract Compliance.

In addition, there is a general counsel's staff exclusively assigned to the Office for Civil Rights. The Education Branch, of course, is

responsible for obtaining compliance from school districts throughout the country.

As of June 1970, the date of my resignation, and it is my understanding, as of today, in the Civil Rights Division in Washington, D.C., no Mexican Americans are employed in the Education Branch, in the Health and Welfare Branch, in the General Counsel Branch, and only one Mexican American is employed in the Contract Compliance Branch.

It is my further understanding that no Mexican American has ever been employed in the Education Branch of the Office for Civil Rights in Washington, D.C.

It should be understood that the National Director of the Office for Civil Rights does have a special assistant for Spanish-surnamed affairs, but he does not work specifically for any of the above-mentioned branches.

It should further be added that no Mexican American is employed as regional director of any regional Office for Civil Rights or as branch chief of any of the above-mentioned branches of any regional Office for Civil Rights in the country.

The Dallas Office does have a Mexican American Deputy Director, but he is basically in charge of personnel and administration for that office. He was once Acting Branch Chief of the Education Branch in Dallas, but he no longer holds that position.

I point out these facts to this committee because the resultant is that no Mexican American, with the exception of the Special Assistant to the National Director, is employed in a policy-making position by the Office for Civil Rights of HEW.

I ask then, how can the Office for Civil Rights advise school districts that they have been discriminatory in employment practices, when the office itself is guilty of this practice

COMPLIANCE: MEXICAN AMERICANS

Now, with respect to what has actually been accomplished in the Mexican American area by HEW, let me first say, that until the 1967–68 school year, the Office for Civil Rights was obtaining statistics on a black and white basis only.

In 1967–68, it added another column called "other," meaning other minority groups. So that it was not until the 1968–69 school year that the Office for Civil Rights started obtaining statistics of Mexican American scholastics.

The resultant of this was that the office was accepting plans from districts, which in several instances were merely combining blacks with Mexican Americans.

The areas in which these problems were most severe were in Texas and New Mexico. Both of the latter States segregated blacks by law and both have substantial percentages of Mexican Americans.

By the time I was employed in Dallas—April 1968—every school district in New Mexico was considered to be in compliance. By that time, a great number of school districts in Texas were also considered to be in compliance.

This is so even though today the attendance reports of a substantial number of districts reveal segregation between both races in many schools in both States.

From April 1968 until late 1969, the Office for Civil Rights had taken virtually no action in cases of discrimination against Mexican Americans. This was so even though, in at least two cases in Texas—Pecos and Sonora—vestiges of de jure segregation were found to exist.

In the case of Sonora, I met and negotiated with the school board in the summer of 1969. The district was on the verge of submitting an acceptable plan when orders were received from Washington to suspend action against the district until further notice. No further action was taken against Sonora until late 1969, when the Mexican American Legal Defense Fund filed suit against the district.

In the spring of 1970, the Justice Department intervened in that suit. As of this date, it does not appear that schools will be desegregated in Sonora on the opening date of schools.

It is my understanding that the judge has set September 10, 1970, as the date for hearing in that matter.

I submit that if the Dallas office had been permitted to negotiate with this district, an acceptable plan would have already been obtained which would have desegregated schools on August 27, 1970, opening date for schools in Texas.

In the other case—Pecos—I led reviews in the summer of 1968 and in the summer of 1969. These reports were sent to Washington, D.C., for review. As of the date of my resignation no response had been received from Washington.

Again, this district maintains segregated schools which were vestiges of a de jure system. Interestingly, in this case, when they closed the Negro schools, virtually all of the Negroes in grades one to eight were assigned to the Mexican American schools.

In addition to the above and prior to late 1969, reviews were made in Texas of Wilson and Shallowater, and in New Mexico of Carlsbad, Clovis, Hobbs, and Las Cruces.

In the cases of Shallowater and Wilson, segregated classes of Mexican Americans were found to exist. In the four cases in New Mexico, three of the cases were found to have schools segregated with Mexican American and Negro students, and the other was found to have not only Mexican American schools but also a full Negro school with a full Negro staff.

Again, these files were sent to Washington for review. Again, at the time of my resignation, which was over a year after these reviews, no response had been received from Washington.

Interestingly, in one of the Texas cases, the superintendent of one of these districts, and I do not recall which district, called the Dallas office to find out whether he was going to have to eliminate his segregated class. The Dallas office could do no more than to refer it to Washington since that office had taken no action on the matter.

Since late 1969, and, I feel, as the result of the walkout in Crystal City, Tex., I participated and led reviews of six other districts on alleged Mexican American discrimination.

In two of the cases, I met with the school boards and negotiated acceptable desegregation plans. These were the cases of Bishop and Ozona, Tex.

In two other cases, Uvalde and Crystal City, the reviews were preliminary to full onsite reviews.

In the case of Crystal City, it was recommended that the prelim-

inary review be followed by a full review, and to this date, no further action has been taken on the matter.

In the case of Uvalde, a full review did follow, and I believe action is presently pending on that matter.

In the other two cases—El Paso and Wharton—the reports were sent to Washington and were resting with that office in June 1970.

Consequently, as of June 20, 1970, the Office for Civil Rights of HEW had taken action in only two cases involving Mexican American discrimination.

COURTS: MEXICAN AMERICAN DISCRIMINATION

It is incomprehensible to understand why HEW has failed to act in this area.

As early as 1948, in the case of *Delgado, et al* v. *Bastrop Independent School District, et al.*, No. 388 Civil, U.S.D.C., W.D. Tex. (June 15, 1948), Federal courts held that segregation of Mexican Americans in public schools was unconstitutional and a violation of the 14th amendment to the Constitution. This was 6 years before *Brown.*

Two other pre-*Brown* cases, *Mendez* v. *Westminster School District*, 614 F. Supp. 544 (S.D. Cal., 1946), aff'd 161 F. 2d 774 (9th Cir., 1947)—and incidentally, the attorney for the plaintiffs in that case was Justice Thurgood Marshall—and *Gonzalez* v. *Sheeley*, 96 F. Supp. 1004 (D. Ariz., 1951), also found that the segregation of students because they were Mexican Americans was unconstitutional.

I might point out the case of *Pete Hernandez* v. *The State of Texas*, involving discrimination against Mexican Americans, in Jackson County, Tex., where Justice Warren stated, in 1954, "The 14th amendment is not directed solely against discrimination due to a two-class theory, that is, based upon differences between white and Negro."

In effect, he held it covered Mexican Americans, also. I would introduce that into the record.

Senator MONDALE. That will be placed into the record at the conclusion of your remarks.

Mr. VELA. Even after *Brown*, judgments were obtained against Driscoll, Tex. (1956), Odem, Tex. (1968), and recently Corpus Christi, Tex. (1970).

In each of the latter cases, the courts held that segregation of Mexican American students was a violation of the 14th amendment.

DE JURE SEGREGATION: TEXAS

In my own reviews of school districts in Texas, which were in all sections of the State, I have concluded that historically, the State of Texas permitted its school districts to operate a de jure segregated system for Mexican Americans. In many cases, this had a worse effect than the system operating for Negroes.

By these statements, I do not wish, in any way, to diminish the discrimination as practiced against Negroes; however, my reviews of districts in Texas have led me to the following conclusions:

1. Until the late 1930's and the early 1940's, many districts segregated Mexican Americans exclusively in elementary

schools. I can produce witnesses who will testify that they were forced to send their children to adjoining school districts because they could not attend the Anglo high school.

2. The pattern is clear that the first Mexican American graduates were in the late 1930's and early 1940's. This, of course, was general. For instance, in 1922, El Paso High, the only high school in El Paso at that time, graduated one Mexican American out of approximately 100 graduates.

3. The pattern is also clear that the first Mexican American teachers, in many places, were hired in the late 1940's and the early 1950's, and some districts, with over 50-percent Mexican American student population, have failed to hire Mexican American teachers to date.

4. Until very recently, and in some cases, as of today, school districts have made no affirmative effort to bridge the language barrier.

Thus, while the Negro had his high school, his college, and his teachers, the Mexican American did not. The educational level of the Mexican American today in Texas is lower than that of the Negro.

PUBLIC AND POLITICAL ATTITUDES

I shall never forget the response on that one occasion in Austin, Tex., when I asked the lady in charge of testing for the district, whether the fact that the Mexican American schools in Austin had the lowest test scores was due to a language barrier.

Her response was, "No, it's inherent." I responded that I was a Mexican American. In a rather surprised voice, she answered, "Well, you're just an exception to the rule, it's still inherent."

I ask, with this type of mentality, will the Mexican American ever obtain an equal educational opportunity?

As recently as 3 months before I resigned from the Office for Civil Rights, the Title IV Equal Educational Opportunity Division, a separate agency within HEW, whose purpose it is to assist school districts in preparing acceptable desegregation plans, submitted two plans to our office for review which listed statistics on a black and white basis only.

Yet, both of these districts, Amarillo and Wichita Falls, had substantial numbers of Mexican American students.

While it is true that these plans were rejected by our office, it does reveal that, as recently as that time, the title IV group was not giving any consideration to the Mexican American minority group. Interestingly, at that time, no Mexican Americans were employed in Washington, D.C., by the title IV division.

COMPLIANCE: TEXAS AND SOUTHWEST

What, then, is it that HEW has refused to correct? What are the vestiges of this historical discrimination against Mexican Americans? Generally, in Texas, and perhaps, throughout the Southwest, they are as follows:

1. There are still many Mexican American schools existent today.

2. There are still many schools attended by Negroes and Mexican Americans today.

3. There are many schools which still segregate Mexican Americans in separate classes today.

4. There are many school districts which still segregate Mexican Americans and Negroes in the same separate classes.

5. There is an abysmally low number of Mexican American principals, counselors, teachers, and other certified personnel employed by school districts today.

6. There is an abnormally high number of Mexican American students placed in special education classes based on English language tests and not examined by qualified psychiatrists.

7. There is an abnormally high number of Mexican Americans placed in lower tracks of ability grouping systems based on English language tests which deny educational advancement.

These vestiges should be examined carefully because they are nothing more than veiled attempts to continue segregation and to continue to deny equal educational opportunities to Mexican Americans.

These vestiges should be examined carefully because they will be utilized to segregate and to deny equal educational opportunities for Negroes in the South tomorrow.

HEW RESPONSE

Now, HEW's response will be that they have recently referred several districts to the Justice Department and that Mexican Americans will be included in suits by that office.

This is true, but in every one of these cases, the principal purpose of the suit is to eliminate Negro schools and to insure that Negro schools will not merely be combined with Mexican American schools.

As recently as this past week, the Mexican American Legal Defense Fund was forced to intervene in a suit filed by the Justice Department against the Houston Independent School District because the Justice Department had failed to include Mexican Americans in that suit.

I would like to introduce that article from the Houston newspaper to become part of the record.

Senator MONDALE. That may be included at the conclusion of your statement.

Mr. VELA. Another response that HEW will give is that they have recently issued a Mexican American memorandum and they have specifically scheduled 10 school districts for review throughout the Southwest for this coming fall.

I would now advise this committee that when I was first employed in April 1968, the Office for Civil Rights also scheduled 10 districts in Texas for study and review. Only eight of these 10 districts were reviewed and to this date, not one semblance of affirmative action has been taken against any of these districts.

I submit that HEW's poor record of employment and its almost complete neglect to take action in the area of Mexican American discrimination is a direct violation of the express intent and desire of the Civil Rights Act itself, and of the fifth and 14 amendments to the U.S. Constitution.

This committee should request an immediate plan from the Secre-

tary of HEW calling for steps to correct the above situation with no further delay.

(The documents referred to follow:)

"IN MEMORIAM"

LIC. GUSTAVO C. GARCIA

The American GI Forum has dedicated this second reproduction of "The Hernandez Case" to the memory of one of the greatest civil rights leaders of this century who in passing away has left us, the Mexican Americans, a legacy and responsibility that we must never forget or shirk!

This case is now a high mark in the progress of the Mexican Americans in attaining first class citizenship that had for too long been denied them.

"The Hernandez Case" seeked equality under the Anglo-Saxon-American system of jurisprudence. This was a class action in behalf of the Mexican American class (member of the Caucasian race). This case had to be won, since in over 70 counties of the 254 in Texas, no Mexican Americans were ever allowed to serve in the Petit Juries, Grand Juries, or Jury Commissions.

On May 3, 1954, the Supreme Court of the United States in a unanimous decision decided that the exclusion of Mexican Americans from such Juries was unconstitutional and illegal.

In this, one of the most brilliant victories ever won by Mexican Americans, the leading counsel was Attorney Gustavo C. Garcia, the other Attorneys were: Carlos Cadena, John J. Herrera, James De Anda, Cristobal Aldrete, and Maury Maverick, Jr.

The American GI Forum was proud to participate in this case both with furnishing some of the counselors and also in raising a great amount of the money that was necessary to present this case in Washington, D.C.

Since January 10, 1949, when we buried Felix Longoria our world war II hero in Arlington National Cemetery, we have constantly worked in eradicating all prejudice and discrimination against our people.

Today, March 28, 1970, the American GI Forum is still in the front working for the improvement of our people. And today we still remember and honor "Gustavo C. Garcia" as one of the greatest leaders of this country.

DR. HECTOR P. GARCIA,
Founder, GI Forum of the United States.

SUPREME COURT OF THE UNITED STATES

No. 406—October Term, 1953

Peter Hernandez, Petitioner
v.
The State of Texas.

On Writ of Certiorari to the Court of Criminal Appeals of the State of Texas.
(May 3, 1954.)

Mr. CHIEF JUSTICE WARREN delivered the opinion of the Court.

The petitioner, Pete Hernandez, was indicted for the murder of one Joe Espinosa by a grand jury in Jackson County, Texas. He was convicted and sentenced to life imprisonment. The Texas Court of Criminal Appeals affirmed the Judgment of the trial Court. —— Tex. Crim. Rep. ——, 251 S.W. 2d 531. Prior to the trial, the petitioner, by his counsel offered timely motions to quash the indictment and the jury panel. He alleged that persons of Mexican descent were systematically excluded from service as jury commissioners,[1] grand

[1] Texas law provides that each term of court, the judge shall appoint three to five jury commissioners. The judge instructs these commissioners as to their duties. After taking an oath that they will not knowingly select a grand juror they believe unfit or unqualified, the commissioners retire to a room in the courthouse where they select from the county assessment role the names of 16 grand jurors from different parts of the county. These names are placed in a sealed envelope and delivered to the clerk. Thirty days before court meets, the clerk delivers a copy of the list to the sheriff who summons the jurors. Vernon's Tex. Code Crim. Proc., 1948, Arts. 333–350.

The general jury panel is also selected by the jury commission. Vernon's Tex. Civ. Stat., 1942, Art. 2107. In capital cases, a special venire may be selected from the list furnished by the commissioners. Vernon's Tex. Code Crim. Proc. 1948, Art. 592.

jurors and petit jurors, although there were such persons fully qualified to serve residing in Jackson County. The petitioner asserted that exclusion of this class deprived him, as a member of the class, of the equal protection of the laws guaranteed by the Fourteenth Amendment of the Constitution. After a hearing, the trial court denied the motions. At the trial, the motions were renewed, further evidence taken, and the motions again denied. An allegation that the trial court erred in denying the motions was the sole basis of petitioner's appeal. In affirming the judgment of the trial court, the Texas Court of Criminal Appeals considered and passed upon the substantial federal question raised by the petitioner. We granted a writ of certiorari to review that decision. 346 U.S. 811.

In numerous decisions, this Court has held that it is a denial of the equal protection of the laws to try a dependent of a particular race or color under an indictment issued by a grand jury, or before a petit jury, from which all persons of his race or color have, solely because of that race or color, been excluded by the State, whether acting through its legislature, its courts, or its executive or administrative officers.[2] Although the Court has had little occasion to rule on the question directly, it has been recognized since "Strauder v. Virginia," 100 U.S. 303, that the exclusion of a class of persons from jury service on grounds other than race or color may also deprive a defendant who is a member of that class of the constitutional guarantee of equal protection of the laws.[3] The State of Texas would have us hold that there are only two classes—white and Negro—within the contemplation of the Fourteenth Amendment. The decision of this Court do not support the view.[4] And, except where the question presented involves the exclusion of persons of Mexican descent from juries,[5] Texas courts have taken a broader view of the scope of the equal protection clause.[6]

Throughout our history differences in race and color have defined easily identifiable groups which have at times required the aid of the courts in securing equal treatment under the laws. But community prejudices are not static, and from time to time other differences from the community norm may define other groups which need the same protection. Whether such a group exists within a community is a question of fact. When the existence of a distinct class is demonstrated, and it is further shown that the laws, as written or as applied, single out that class for different treatment not based on some reasonable classification, the guarantees of the Constitution have been violated. The Fourteenth Amendment is not directed solely against discrimination due to "two-class theory"—that is, based upon differences between "white" and Negro.

As the petitioner acknowledges, the Texas system of selecting grand and petit jurors by the use of jury commissions is fair on its face and capable of being utilized Without discrimination.[7] But as this Court has held, the system is susceptible to abuse and can be employed in a discriminatory manner.[8] The exclusion of otherwise eligible persons from jury service solely because of their ancestry or national origin is discrimination prohibited by the Fourteenth Amendment. The Texas statute makes no such discrimination, but the petitioner alleges that those administering the law do.

The petitioners initial burden in substantiating his charge of group discrimination was to prove that persons of Mexican descent constitute a separate class in Jackson County, distinct from "whites."[9] One method by which this

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[2] See Carter v. Texas, 177 U.S. 442, 447.

[3] "Nor if a law should be passed excluding all naturalized Celtic Irishmen [from jury service], would there be any doubt of its inconsistency with the spirit of the amendment." 100 U.S., at 308. Cf. American Sugar Refining Co. v. Louisiana, 179 U.S. 89, 92.

[4] See Traux v. Raich, 239 U.S. 33; Takahaski v. Fish & Game Commission, 334 U.S. 410. Cf. Hirabayashi v. United States, 320 U.S. 81, 100 "Distinctions between citizens solely because of their ancestry are by their very nature odious to a free people whose institutions are founded upon the doctrine of equality."

[5] Sanchez v. State, 147 Tex. Crim. Rep. 436, 181 S.W. 2nd 87; Salazar v. State, 149 Tex. Crim. Rep. 260, 193 S.W. 2nd 211; Sanchez v. State 243 S.W. 2d 700.

[6] In Juarez v. State, 102 Tex. Crim. Rep. 297, 277 S.W. 1091, the Texas court held that the systematic exclusion of Roman Catholics from juries was barred by the Fourteenth Amendment. In Clifton v. Puente, 218 S.W. 2d 272, the Texas court ruled that restrictive covenants prohibiting the sale of land to persons of Mexican descent were unenforceable.

[7] Smith v. Texas, 311 U.S. 128, 130.

[8] Smith v. Texas, supra, Note 7; Hill v. Texas, 316 U.S. 400; Cassell v. Texas, 339 U.S. 282; Ross v. Texas, 341 U.S. 918.

[9] We do not have before us the question whether or not the Court might take judicial notice that persons of Mexican descent are these considered as a separate class. See Marden, Minorities in American Society; McDonagh & Richards, Ethnic Relations in the United States.

may be demonstrated is by showing the attitude of the community. Here the testimony of responsible officials and citizens contained the admission that residents of the community distinguished between "white" and "Mexican." The participation of persons of Mexican descent in business and community groups was shown to be slight. Until very recent times, children of Mexican descent were required to attend a segregated school for the first four grades.[10] At least one restaurant in town prominently displayed a sign announcing "No Mexicans Served." On the courthouse grounds at the time of the hearing, there were two men's toilets, one unmarked, and the other marked "Colored Men" and "Hombres Aqui" ("Men Here"). No substantial evidence was offered to rebut the logical inference to be drawn from these facts, and it must be concluded that the petitioner succeeded in his proof.

Having established the existence of a class, petitioner was then charged with the burden of proving discrimination. To do so, he relied on the pattern of proof established by "Norris v. Alabama, 294 U.S. 587. In that case proof that Negroes constituted a substantial segment of the population of the jurisdiction, that some Negroes were qualified to serve as jurors, and that none had been called for jury service over an extended period of time, was held to constitute prima facie proof of the systematic exclusion of Negroes from jury service. This holding, sometimes called the "rule of exclusion," has been applied in other cases,[11] and it is available in supplying proof of discrimination against delineated class.

The petitioner established that 14 percent of the population of Jackson County were persons with Mexican or Latin American surnames, and that 11 percent of the males over 21 bore such names.[12] The County Tax Assessor testified that 6 or 7 percent of the freeholders on the tax rolls of the County were persons of Mexican descent. The State of Texas stipulated that "for the last twenty-five years there is no record of any person with a Mexican or Latin American name having served on a jury commission, grand jury or petit jury in Jackson County."[13] The parties also stipulated that "there are some male persons of Mexican or Latin American descent in Jackson County who, by virtue of being citizens, freeholders, and having all other legal prerequisites to jury service, are eligible to serve as members of a jury commission, grand jury and/or petit jury."[14]

The petitioner met the burden of proof imposed in "Norris v. Alabama, supra." To rebut the strong prima facie case of the denial of equal protection of the laws guaranteed by the constitution thus established, the State offered the testimony of five jury commissioners that they had not discriminated against persons of Mexican or Latin American descent in selecting jurors. They stated that their only objective had been to select those whom they thought were best qualified. This testimony is not enough to overcome the petitioner's case. As the Court said in "Norris v. Alabama:"

"That showing as to the long-continued exclusion of Negroes from jury service, and as to the many Negroes qualified for that service, could not be met by mere generalities. If, in the presence of such testimony as defendant adduced, the mere general assertions by officials of their performance of duty were to be accepted as an adequate justification for the complete exclusion of Negroes from jury service, the constitutional provision . . . would be but a vain and illusory requirement."[15]

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[10] The reason given by the school superintendent for this segregation was that these children needed special help in learning English. In this special school, however, each teacher taught two grades, while in the regular school each taught only one in most instances. Most of the children of Mexican descent left school by the fifth or sixth grade.

[11] See note 8, supra.

[12] The 1950 census report shows that of the 12,916 residents of Jackson County, 1,865, or about 14% had Mexican or Latin American surnames. U.S. Census of Population, 1950, Vol. II, pt. 43, p. 180; id., Vol. IV, Pt. 3, c. C. P. 45. Of these 1,865, 1,738 were native born American citizens and 65 were naturalized citizens. Id., Vol. IV, pt. 3, c. C. p. 45. Of the 3,754 males over 21 years of age in the County, 408, or about 11% had Spanish surnames. Id., Vol. II, pt. 43 p. 180; id., Vol. IV, pt. 3, c. C. p. 67. The State challenges any reliance on names as showing the descent of persons in the County. However, just as persons of a different race are distinguished by color, these Spanish names provide ready identification of the members of this class. In selecting jurors, the jury commissions work from a list of names.

[13] R. 34.

[14] R. 55. The parties also stipulated that there were no persons of Mexican or Latin American descent on the list of talesmen. R. 83. Each item of each stipulation was amply supported by the testimony adduced at the hearing.

[15] 294 U.S., at 598.

The same reasoning is applicable to these facts.

Circumstances or chance may well dictate that no persons in a certain class will serve on a particular jury or during some particular period. But it taxes our credulity to say that mere chance resulted in there being no members of this class among the over six thousand jurors called in the past 25 years. The result bespeaks discrimination, whether or not it was a conscious decision on the part of any individual jury commissioner. The judgment of conviction must be reversed.

To say that this decision revives the rejected contention that the Fourteenth Amendment requires proportional representation of all the competent ethnic groups of the community on every jury [16] ignores the facts. The petitioner did not seek proportional representation, nor did he claim a right to have persons of Mexican descent sit on the particular juries which he faced.[17] His only claim is the right to be indicted and tried by juries from which all members of his class are not systematically excluded— juries selected from among all qualified persons regardless of national origin or descent. To this much, he is entitled by the Constitution.

Reversed.

[From the Houston Chronicle, Aug. 16, 1970]

SCHOOLS CONSIDER PLEA BY CHICANOS

(By Stan Redding)

George Oser, a member of the Houston School Board, said Saturday the board recognizes the "special problems" of Mexican-Americans in the schools and is "doing what is possible to meet these problems."

The Mexican-American Legal Defense Fund Friday filed an amicus curiae (friend of the court) brief with the U.S. Fifth Circuit Court asking that the disputed Houston school desegregation plan take into account the Mexican-American students.

CORRECT DISPOSITION

"We want to know where we stand," said Abraham Ramirez, Jr., one of three lawyers representing the fund.

"For instance, if a school is to have 555 Negroes and 395 whites, we want to know—whites or Mexican-Americans?"

Ramirez said more than 13 percent of the Houston schools student population is composed of Mexican-Americans, and the factor is "central to a correct disposition of the lawsuit."

Ramirez and the other two attorneys, Mario Obledo and Alan Exelrod of San Antonio, contend none of the desegregation plans before federal courts here take into account the Mexican-American minority.

ADDITIONAL HEARINGS

"It is the position in this brief that the Mexican-American is a distinct, identifiable minority group; that he has suffered discrimination in schools throughout the Southwest; and that the conditions existing in other parts of Texas exist in the Houston Independent School District," the brief says.

The brief offers no specified desegregation plan but asks that the present plan before the Fifth Court be remanded for "additional hearings."

The present plan, a zoning plan providing that students attend the schools nearest their home and that the schools have a 66-34 white-Negro teacher ratio, is on appeal.

BOARD'S ATTITUDE

The National Assn. for the Advancement of Colored People legal Defense Fund and the U.S. Justice Department have asked the Fifth Circuit court to reverse the plan, ordered by federal Judge Ben C. Connally.

"The housing pattern in Houston is not helpful at all in the present plan," said Ramirez. "Under the zoning plan, Mexican-Americans and Negroes will be going to the same schools."

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[16] See Akins v. Texas, 325 U.S. 398, 403; Cassell v. Texas, 339 U.S. 282, 286–287.
[17] See Akins v. Texas, supra, note 16, at 403.

Oser said he was not answering the brief but was speaking only in reference to the school board's attitude in the issues.

"We are a long way from meeting all the needs of the Mexican-American ethnic group in our schools, but the aim of the board is to become more fully informed of these needs and do what is possible to meet them," said Oser.

"The board has always recognized that special problems of the Mexican-American ethnic group and has acted possibly more slowly than the seriousness of the problem demands.

"But we have, in fact, sought to solve the special problems of the Mexican-American, especially the problem of the language barrier. Next year, for instance, we will introduce a bilingual program in 14 elementary schools."

Oser said 22 Houston elementary schools have a student population of 55 percent or more Mexican-Americans.

"We are very cognizant of the serious dropout rate among the Mexican-American group, primarily due to the language barrier," said Oser.

RACIAL COMPOSITION

"This is due primarily to the paucity of Mexican-American or bilingual teachers and counselors, and the district is actively engaged in a recruiting program to help overcome the problem," Oser said.

The fund's brief charges that the Houston schools' own statistical records "show black-white integration has meant, in reality, the placing of the black and the Mexican-American together."

The brief contains the Houston school campus report for the academic year 1969, describing the racial and ethnic composition of all the Houston Schools.

Citing the district's own figures for the past school year, the brief gives this enrollment breakdown: 124,451 Anglo, 79,043 black and 31,605 Mexican-American students.

COMBINED FIGURES

For elementary schools, the report shows 201,932 Mexican-American students out of a total of 137,562 in the district, or 15 percent. The brief says 9,243 of the 20,932 Mexican-American students attended schools where over 70 percent of the student body was Mexican-American.

"This figure was determined by adding together the number of Mexican-American students attending schools enrolling over 70 percent students of Mexican-American descent: Burnet, 972, students; Cleveland, 213; Crockett, 373; DeZavala, 746; Dow, 434; Elliot, 929; Franklin, 1352; Lamar, 1050; Lee, 312; Loostah, 825; Pugh, 721; Rusk, 582; and Sherman, 844, the brief outlines.

In the senior high schools, the brief maintains, during the 1969-70 academic year, 2274 black students attended schools that enrolled more than 2 percent nonblack, citing the schools and Negro enrollment: Austin, 30; Bellaire, 11; Lee, 35; Madison, 54; Milby, 32; Reagan, 57; San Jacinto, 1224; Sterling, 96; Waltrip, 16; Westbury, 2, and Sharpstown, 26.

"Of these 2274 (black students), 1522 attended schools where the most populous group was the Mexican-American, Davis High School, and San Jacinto High School," the brief states.

"The same proposition holds true for the junior high schools. A total of 3586 black students attended junior high schools which have more than 2 percent nonblack."

The brief lists these schools, and negro enrollment, as Black, 40; Burbank, 42; Deady, 115; Dowling, 125; Edison, 45; Fondren, 22; Fonville, 7; Furr, 200; Hamilton, 154; Hartman, 139; Henry, 5; Hogg, 68; Jackson, 13; Johnson, 2; Lanier, 162; Long, 24; Marshall, 506; McReynolds, 994; Pershing, 6; Rogers, 11; San Jacinto, 163; Scarborough, 13; Sharpstown, 142; Thomas, 480, and George Washington, 107.

"Of these 3586 (black students), 45 percent, or 1652 attend predominantly Mexican-American schools," which the brief identifies as Edison, Marshall, McReynolds and George Washington.

"In both senior and junior high schools," the brief says, "Mexican Americans comprise only 11 percent of the school population."

The brief notes that the statistics refer to the 1969-70 school year, and adds:

"What the result will be for the coming year (under the new integration plan) is unknown.

"What is known is that Mexican-American and black neighborhoods are in close proximity so that the natural result of the district's plan would be to mix the two minority groups with few Anglos attending those schools."

The brief says the Mexican-American Legal Defense Fund currently represents plaintiffs in school desegregation litigation in Sonora, Texas, New Braunfels, Texas, and Glendale, Ariz., which raise issues similar to those here.

The first desegregation case in which a federal court decreed that Mexican-Americans are a distinct ethnic group was one involving the Corpus Christi school district.

In that case, U.S. Dist. Judge Woodrow Seals of Houston spelled out this distinction in ordering the district to integrate its 21,700 Mexican-American students with 21,800 white and 2500 black students.

Senator MONDALE. Thank you very much for a most impressive statement, coming, as it does, from one with unique experience in the area of discrimination as it affects Mexican Americans in the public schools of this country.

JUSTICE AND MEXICAN DISCRIMINATION

Did the regional office in which you worked include States other than Texas?

Mr. VELA. Yes, sir. It included the States of New Mexico, Oklahoma, Arkansas, and Louisiana. I might add to that, Senator, that when I left, no action had been taken in any other region.

In the northern regions, no action has been taken against school districts. The only region they would have taken action in the Mexican American area would have been our area.

Senator MONDALE. To your knowledge, has the Justice Department ever brought a lawsuit for discrimination against Mexican Americans?

Mr. VELA. The first suit in which this was done was in the case of Sonora, Tex. They actually intervened in that suit.

Senator MONDALE. They didn't institute that lawsuit, but rather intervened after it had been brought?

Mr. VELA. That is correct.

MEXICAN AMERICANS: EXTENT OF SEGREGATION

Senator MONDALE. The Civil Rights Commission, I understand, has data which shows that over 0.5 million Mexican American students in the Southwest attend schools which are 80- to 100-percent minority.

Would you feel those figures constitute a fair characterization of the extent to which ethnic isolation affects Mexican Americans?

Mr. VELA. I think that is fairly accurate, Senator. I might add that, for instance, taking San Antonio, we reviewed the San Antonio Independent School District, which is only one district of 15 in that area around San Antonio.

The reason we reviewed San Antonio was because that school district had, I believe at that time, 10 Negro schools. Otherwise, we wouldn't have even gone into San Antonio.

Senator MONDALE. Did you resign because of a preference for private practice or because of frustration?

Mr. VELA. First of all, I have two brothers that practice law in the lower valley, and they had a rather substantial case which would have taken them away from their business for some 6 to 8 months. They offered to pay my expenses and gave me a share of that case. It is a contested will case. I have been considering that.

I must admit that I was frustrated with the lack of action by the regional office. I would say it was one of the reasons that I resigned.

BILINGUAL EDUCATION

Senator MONDALE. I think you said that there are several schools which refuse to offer bilingual education courses. I understand Uvalde, Tex., has yet to apply for title 4 bilingual education money. But aren't there cases where, in addition to the lack of adequate federal funding we face the problem that many local school districts do not believe in teaching bilingual education courses? Can you respond to that?

Mr. VELA. Yes. Also, in Texas, at one time, there was a law which prohibited the use of the Spanish language in instruction in Texas. That was at one time. This has since been eliminated.

Senator MONDALE. But is resistance to bilingual education still widespread as a matter of policy?

Mr. VELA. I would say that it is.

Senator MONDALE. Senator Javits.

Senator JAVITS. I just have one question. I am very interested in the bilingual education program, and, as Senator Yarborough noted, we do our utmost to promote it and to get money for it.

SEGREGATION: MEXICAN AMERICANS VERSUS BLACKS

What I would like to ask you is this: From your experience, can you highlight for us the differences between discrimination against blacks and against Chicanos?

I am not asking you about Puerto Ricans, because that is out of your competence. I suppose there are very few in Texas. If you wish to include Puerto Ricans, however, it is fine with me.

Mr. VELA. First of all, let me say this, Senator: Historically, the blacks and the browns, as we are sometimes referred, really had the same kind of segregation practiced in the State of Texas as against them.

On the one case, you had a law segregating the blacks. On the other case, you had a permissive policy by the State Education Agency permitting the segregation of Mexican Americans.

The real sad thing about this was that, generally, they just segregated them in elementary schools, and they really didn't care whether a child passed the elementary grades and went into high school or not.

So your actual segregation was the same but you had the additional problem for the Mexican American of the language barrier. Of course, this caused many of the students to be put into lower tracing systems, into special education classes, based on English language tests, an abnormally high number in many areas.

In other words, the Mexican American didn't have his high school in many areas, he didn't have his college. Consequently, you didn't have your teacher, you didn't have your bilingual person there. This was really the basic difference, I would say, historically. I think the vestiges are still there today.

There is an abysmally small number of qualified teaching personnel available because of this past history.

I don't want to diminish the discrimination as practiced against the Negro, because I also reviewed districts in Louisiana and in Arkansas. I saw the facilities and the inadequacies of that education. But they did have their college and they did have their high school.

Senator JAVITS. That is why they had the teachers.

Mr. VELA. Right sir. But I would also point this out to this committee: If a close eye isn't kept on what will happen, the Negro is going to end up in the same situation as the Mexican American is in today with respect to teachers.

Senator JAVITS. Why?

Mr. VELA. As districts have been desegregating, they have just been eliminating Negro teachers. Of course, I wasn't asked to testify with respect to that area, but I could tell you a few stories on what HEW failed to do in that area.

Senator JAVITS. So in your case, in the case of the Mexican American, through the absence of higher education facilities, and in the case of the Negro through discrimination against the Negro who has had the benefit of higher education, you see the same result occurring.

Mr. VELA. In other words, while the Negro had his high school and his college, they were inferior.

COMPLIANCE

Senator JAVITS. Apparently, one gathers from what you say that the vestiges are disappearing so there must be some improvement. How is that improvement accomplished?

Mr. VELA. Senator, Dr. Garcia has been in this battle as founder of the American GI Forum since 1946. Part of his testimony will entail how he started to battle way back in 1946. He had something to do with the Delgado case, with the Corpus Christi case, his GI Forum did.

Maybe I should let the Doctor tell you how some of these vestiges have been eliminated.

Senator JAVITS. Do you want to say anything about it before we get to him?

Mr. VELA. Well, I would like to say this: It is true that slowly but surely, and to a large extent because of the efforts of the Doctor, many segregated schools have been eliminated.

The ultimate vestige of that is that you have segregated classes in many areas.

Number two is that they really didn't eliminate their system, Senator. What they did was they had their Mexican school here and, of course, the Mexican population produces quite efficiently.

As the population spread, they didn't eliminate their old Mexican school. They just permitted Mexican Americans to go to the next schools. But ultimately, you still have high concentrations of Mexican Americans. Perhaps this is the reason for the high percentage that I believe Senator Mondale mentioned a while ago. But they never really eliminated the system itself.

Senator JAVITS. Was much accomplished by litigation?

Mr. VELA. Yes, I would say so. It was through the Delgado de-

cision that I believe the Doctor was able to go through a lot of these districts and was able to get them to eliminate their Mexican schools.

Senator JAVITS. I will not detain the Doctor. Thank you very much.

Senator MONDALE. I have just one point. In light of the seriousness of these conclusions, I think it would be a good idea if the committee were to write the appropriate agencies and subdepartments and ask for their response to the absence of Mexican Americans in top policy positions, and the lack of enforcement policies as well. I think the record should have their response. This is very serious.

Senator JAVITS. The chairman has already talked with me about this and I have agreed to join with the chairman in his request.

Senator MONDALE. I will ask the staff to prepare a suggested letter for us to the appropriate agencies.

Dr. Garcia, we are delighted to have you again with us today.

STATEMENT OF DR. HECTOR GARCIA, FOUNDER, AMERICAN GI FORUM, AND FORMER U.S. AMBASSADOR TO THE U.N.

Dr. GARCIA. Senator Mondale, Senator Javits, ladies and gentlemen of the press, and the rest of the people who are here today: First, I wish to thank you for inviting me to participate in this very serious matter involving the Mexican American educational process, or should I say its abuses. Certainly, I wish to compliment the Senate Select Committee on Equal Education, for holding this hearing.

I would like to make one addition to my introduction. I was a former member of the U.S. Commission on Civil Rights, the first Mexican American so appointed. After a short brief tenure of 1 year, I was let out.

I merely say that for the purpose of pointing out that the U.S. Commission on Civil Rights has done a magnificent and tremendous work in bringing to the attention of Government in Washington, and supposedly the news media, the sad and serious plight of the Mexican Americans. They have published certain information and documents that I would like to leave with you. The commission has published the San Antonio hearings on December 9, 10, 11, 12, 13, 14, 1968. Printed in a blue volume that I couldn't carry, since I had enough to carry already.

The U.S. Commission on Civil Rights has published "Strangers in One's Land." [1] They also published a Civil Rights Digest,[1] and it deals specifically with the problems of the Mexican Americans.

Then they have also published a pamphlet "Civil Rights in Texas." [1]

Senator MONDALE. We will include those documents in our official record at the conclusion of your remarks.

Dr. GARCIA. Thank you.

Tomorrow, the U.S. Commission on Civil Rights is coming out with a very important publication called "The United States Commission on Civil Rights, Mexican American Education Study."

From what I can gather, the publications certainly prove all of these things that have been said at your hearing.

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[1] These publications can be found in committee files.

I am here officially as founder of the American GI Forum of the United States, a national Mexican American veterans' family organization with membership in 26 States.

We have here our map to show you where we have contacts in over 26 States. We are, of course, those Mexican American people who have fought the wars for this country, and those people who are dying out of proportions in the battlefields, and those people who are still patient enough to believe that the democratic system must work for us sometime. Although today we don't even see the beginning of the tunnel, much less the end of it.

MEXICAN AMERICANS: DISCRIMINATION AND SEGREGATION

In answer to certain points that have been brought up, I wish to say that first and foremost, we must clarify this type of prejudice involving Mexican Americans, which is a rarity, a unique phenomenon, in the evolution and history of this country.

This is a "historical prejudice," Senator Mondale and Senator Javits. We have to understand how it developed. We have to understand that previous to 1836, the Southwest was a part of Spain and later it became a part of Mexico. In 1836, Texas went through a revolution that was a joint effort of both Mexican Americans and Texans, in spite of the perverted historical written word. In 1845, Texas became a State, a member of the United States. Previous to 1836, Mexican Americans and Anglo-Americans were working together and fighting together against the oppressive tactics of dictator Santa Anna, in Mexico.

There were a lot of intermarriages between these groups, including James Bowie, Jeff Smith, Capt. William Cooke, and Phillip Dommitt who all married Mexican females!

The Alamo was also defended by Mexican Americans. They fought together with Anglo Texans.

On April 21, 1836, the battle of San Jacinto was fought and won which included one company of Mexican Americans. The idea that the Alamo did not have a messenger was not the truth, because one of the last messengers was Captain Juan Seguin. Seguin on May 30, 1836, was promoted and became a Lt. Colonel in the Texas Militia.

On June 4, 1836, Seguin became the first Mexican American to be Mayor of (Texan) San Antonio. So you see up to that time we had something going for us in Texas.

Our demise began in 1845 when the United States, under the James Polk Presidential "Doctrine on Manifest Destiny," had to have a "cause celebre". Since we wanted the northwestern part of Mexico to become part of the United States, and Pres. Polk then came out with his "Manifest Destiny." I don't know who manifested it. But I can tell you who got the end result of the Manifest Destiny. The ones who got the result of the destiny were the Mexican Americans and this led in 1846 to the Mexican American War and the beginning of our exploitation.

As a result of this, Texas set up a segregated educational system in Texas which later extended to all the Southwest and became prevalent against Mexican Americans, Senator Mondale and Senator Javits.

Let me tell you, the Texas system of education never intended to actually educate the Mexican Americans. Texas never intended that

Mexican Americans should go to school. This is fantastic but it was true then and it is still partially true today.

As I go on, I will develop this theme with evidence as it developed.

On March 2, 1836, in the Texas Declaration of Independence, the main grievances of Texans and Mexican Americans against Mexico, were: First, that Mexico had failed and refused to secure on a firm basis the right of trial by jury, "that Palladium of civil liberty and only safe guarantee for the life, liberty and prosperity of the citizens.

Another grievance was: "Mexico had failed to establish any public system of education, although possessed of almost boundless resources (that is, the public domain) and although it is an axiom in political science that unless a people are educated and enlightened, it is idle to expect the continuance of civil liberty in the capacity for self-government.

They complained about the Mexican military, they talked about being quartered in their houses and being tyrannical. Then the hate against us started. By 1845, we knew we wanted the Northwest Mexican Territory. We had to make a "cause celebre." We had to have a scapegoat. This is where history was perverted and distorted, by making the Texas revolution completely an English, Anglo fight against Mexicans, when it was never so. We became the scapegoats. We became the "hate symbol."

So when we changed the Alamo and San Jacinto story, we also set up the school system in Texas, set up not as a dual or separate system. Texas set up "no system" for education for the Mexican American children. It lasted close to 100 years.

This hate against us was brought out again in March 1837, when a colonel who had been recently promoted to general, called Gen. Felix Huston, came into San Antonio and told the mayor of San Antonio, Juan Seguin, who was a colonel, to burn all of San Antonio and to move all of those Mexican families east of the Brazos River.

This has been quoted in the Texas history books as the beginning of the "anti-Mexican feeling and sentiment."

STATE LAWS: TEXAS

It has been brought out time and time again as to what is the legality of school discrimination and segregation against Mexican American children. Article VII, Section I of the Texas Constitution merely makes the following observation on this education of the citizens, that the people of Texas are obligated to educate the Spanish-speaking people, but article VII, section I, says that a general diffusion of knowledge being essential to the preservation of the liberties and rights of the people, it shall be the duty of the legislature of the State to establish and make suitable provisions for the support and maintenance of an efficient system of public, free schools.

Article VII says on this, that there will be separate schools for the white and the colored.

Of course, we were always white, legally we were white, but it didn't make any difference. That is also the question. It makes no difference what the Civil Rights Act says. It makes no difference what the Constitution says. It makes no difference what the written word says. It is the spoken word. It is the overt act that matters.

As I say, we are here to appeal to you to do something to put an end to this horrible exploitation and abuse of our people.

As has been brought out, I have been involved in fighting school segregation in Texas and the Southwest since 1946.

We had several cases already mentioned, the Westminister case in Orange County, Calif., in 1946, and then we went into Mathis.

Here I am going to show you why we don't go to school. Why is it that we have a different school system?

SCHOOL FACILITIES: MEXICAN AMERICAN

I will ask Carlos to help me in a survey that I did. I will show you briefly the "Mexican school." [1]

Another picture of the same "Mexican school."

You see, Senator, all of such schools were designated as "Mexican." What set it apart? It was always a creek, a ditch, a highway, a crack, a road. Every community in the Southwest thusly and in Texas, had a "little Mexico," and these schools that were set aside were called "Mexican schools." This is recorded in the minutes of many school board meetings they had at that time, prior to 1950. Mathis was a "Mexican school."

Here is another picture of the school. Here is a picture of one of the schoolrooms in Mathis, Tex., Mathis being the place where Dr. Fred Logan, Jr., was recently killed, because of his efforts to help the Mexican American people.

Here is a picture of a horrible restroom. I guess this is the only time anyone has been permitted to introduce filthy pictures as evidence before this committee.

Here again is the school restroom in the Mexican school. You see nothing there except newspaper and feces. This is fantastic.

Here is another picture of the outside. If you can come inside you see it overflowing with feces, on the outside it's the same.

Here you have a brick, wonderful, magnificent castle, which is "the American school." This is the school in Mathis Tex., which a few days ago was devastated by hurricane Celia. Because of the respect for your committee and for you, I have come here. I left my people suffering from Celia and came to ask you to continue to help us with the educational problems of my people.

Here is another school in Sandia, Tex., in 1948. Here is the school's open-pit privy. It is open on top, on the sides, practically everywhere. It really is "an open privy."

Here is the Sandia Mexican school—a picture of it. You can see through it because the windows are broken. You can see under it because the floor is rotten. You can see light at the top because the roof is leaking.

Here is a picture of the beautiful, clean, modern, American school.

Here is the Orange Grove School. Here is the Mexican school's restroom.

Here are the Mexican schools—these pictures are horrible.

Here is the American school—a beautiful job, a brick job. Both the Orange Grove-American elementary and high schools.

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[1] The pictures shown at today's hearing are unavailable for insertion in the record. They are in the possession of Hector P. Garcia, M.D., 1315 Bright Street, Corpus Christi, Tex.

But things were not as bad for the chickens because the chickens would have good, clean housing. This is a picture of a chicken farm close to this school area. Chickens would have lights in their coops. They would get water in their coops. They would get feed in their coops, and the floors would be cement. But not so for Mexican American school children.

So sometimes it has been said that perhaps it would be better to have been chicken-hearted than Mexican-hearted because you got more attention.

Senator MONDALE. The doctors went to Hidalgo County and reported these incredibly awful health problems. We checked and the migrant health budget for that county is $600,000. The Federal animal health budget is $5.5 million for that county—for 1970. That is, I repeat, $5.5 million for animal health and $600,000 for human health. It is one of the largest migrant counties in the country.

Dr. GARCIA. Here is a picture I took of five labor camps in the Mathis area. Here is an open-pit privy road, with a great number of them falling down.

Mind you, these are labor camps. Here is one that has a sign "Ladies Only," and evidently not even a lady could go in there because it was falling down and was open.

I made a survey of such schools between the period 1948 and 1950. I made a survey of Mathis, Bishop, Robstown, George West, Orange Grove, Driscoll, Sinton, Taft, Edcouch, Three Rivers, Encinal, Beeville, Rio Hondo, and Del Rio, Tex.

On September 13, 1950, I went again into Robstown, George West, Mathis, Riviera, Gonzales, Driscoll, Sinton, Taft, and Bishop—incidently Bishop finally supposedly ended their segregation about 2 or 3 weeks ago—Edcouch, Beeville, Sonora, Marathon, Pecos, Lubbock, Abilene, Seguin, Nixon, Edinburg, McAllen, and Rock Springs.

Carlos Vela mentioned Pecos, Tex. He also mentioned Sonora. We have asked for an investigation since 1948 and I have a report for the record. However, no one put an end to segregation there. When are we going to do it?

COURTS: MEXICAN AMERICAN DISCRIMINATION

We are only going to do it, Senator, when you get HEW people to do something. I ask does the U.S. Constitution apply to Mexican Americans also?

Do civil rights apply to Mexican Americans?

Are Mexican Americans citizens of this country or supposedly just volunteers for Vietnam?

But we continued to try to end school segregation. We went ahead and fought the case of *Minerva Delgado* v. the *Bastrop School District of Texas* in 1948. In the folder I gave you there is a copy of this case. In the *Delgado* case it was already established therefore that according to the 14th amendment, you could not have separate schools and only separate classes were permitted in the first grade. So now we had them in the *Delgado* case. We already had the Texas Constitution and the U.S. Constitution, but this didn't stop it. Texas and the Southwestern United States continued to segregate our children.

We had the *Porfirio Gonzales* v. *Ross L. Sheely* case in Arizona on December 15, 1950. That didn't stop segregation either.

We had the famous *Three Rivers* case in 1949—where World War II hero Felix Longoria was denied burial because he was a Mexican.

I merely mention this to you because Three Rivers not only had separate schools, but they had separate cemeteries for the Mexican Americans at that time in 1949.

You will recall that a man killed in World War II was refused the use of the chapel because he was a Mexican. He was buried in Arlington National Cemetery with full military honors.

Then we went to Del Rio, Tex., and fought a case on April 23, 1949.

Here is the brief on the Hernandez case in 1954. This case, *Pete Hernandez, Petitioner* v. *The State of Texas*, is very important since 1954—that is 16 years ago—it was legally established that we were Caucasian. However, by this case, the Supreme Court of the United States found that we were also a separate class. An identifiable Mexican American class, called Mexican Americans.

We have heard the names wetbacks, pepper bellies, and other derogatory epithets. And as a separate class our rights were violated.

Then we went into the Kingville, Tex., Junior High case on April 28, 1955. Then the Mathis School case on January 4, 1956.

Then we went into a very important case, the Driscoll School case on January 11, 1957.

Why is the Driscoll School case important? Because according to the Delgado case in 1948, you could have separate classes in the first grade, but as a result of the Driscoll School case, you could not have separate classes in the first grade any more.

Judge Allred found out about separate classes. Because they had little Garcias and Gonzalez's children separated into separate classes. But surprisingly the little Garcias and Gonzalezes couldn't speak a word of Spanish because their mothers had been Italians, or Dutch, or French, or British. So momma would teach the child. The child doesn't learn from poppa. Poppa works. So they had little kids in the Driscoll School case that were segregated who didn't know any Spanish. The Driscoll School said they were segregated because of the "language problem."

I gave you a copy of the school statistics I prepared in Corpus Christi in 1965 and 1966, which was admitted as testimony in the *Cisneros* v. *Corpus Christi Independent School District* in a hearing on June 4, 1970.

In it I bring out the fact again that the Mexican American teachers who were teaching in the Anglo high schools could only teach "Spanish." A few who were more brilliant could join the band department and a few who were less brilliant could go and teach shop. Things were much worse in 1948.

This is the history of the Mexican American teachers in the Southwestern United States. We couldn't teach anything else because they said we had an accent. I am glad Einstein didn't come to teach in Texas because with his accent he could have never gotten through the Texas curtain of requirements for teaching.

I would like to enter my report into evidence again as to my findings in Corpus Christi schools in 1965–1966.

Senator MONDALE. Without objection, that will be done at the conclusion of your statement.

Dr. GARCIA. We started fighting school segregation in Odem, Tex., in 1947, and we had to file the last case on July 28, 1967—20 years later.

The only success that has been achieved in fighting school segregation is when we ourselves have to go to U.S. district courts, or when we file our cases in the Supreme Court of the United States or the district courts. The Justice Department, the HEW, I would say, have never gone to court to fight school segregation. The exception being Sonora, where they filed an amicus curiae, or were just "curious," but they did not file two original complaints.

Anyway, they just joined in and it took a lot of pushing to get them to do that much. We started fighting New Bramfels School segregation in 1948. We have a report that as late as 1969 HEW and Justice have done nothing about it. They never filed against such school districts.

Again we have the Sonora case, Carlos Vela talks about it in 1969. He is optimistic, young, and good-looking, and I am old. I can tell you we started fighting Sonora School desegration in 1948. In 1948, Gus Garcia, the greatest legal brain we had for many years, fought Sonora Schools. That is why this reproduction of the Hernandez case is a memorial to Gus. When Gus went to investigate places like Sonora he found they had separate school systems, and in Sonora they also had the typing and shorthand department, business and commercial. But they didn't have typewriters, and still they were saying they had a commercial course. Gus Garcia used to laugh a lot about their commercial classes.

We went into Abilene, Tex., in 1949. We also went as early as 1948 into Beeville, Tex., to fight school segregation. Just recently we had the case of *Jose Cisneros* v. *Corpus Christi Independent School District*, June 4, 1970.

Suffice it to say, that there are five high schools in Corpus Christi, and all five high schools are in violation of civil rights. There is no equal or even close to equal proportion of Mexican American teachers. Since 1948 we have been fighting school discrimination in Bishop, Tex.

Finally, we have the HEW sending an investigator there about 2 months ago. What good did the Jose Cisneros case do in Corpus Christi? Not that it was needed, but it brought about the legal fact that we were an identifiable minority and consequently that the 14th amendment does not only apply to blacks versus whites, but it also applies to class violations.

Now that we have the Cisneros case I can't see why Mr. Stanley Pottinger or Jerry Leonard or John Mitchell can't move now. We also have approached the problem by the use of Title IV, Section 407, U.S. Civil Rights Act of 1964. A parent can write a letter to the Attorney General of the United States, complaining of school segregation, and on this letter alone the Attorney General can take action. Under their own legal wording, this can become a class suit for all Mexican-American students in that school district.

We wrote such letters to the HEW and the Attorney General, and we filed a lot of complaints, but we didn't get any action. Anyway, we must continue the fight.

In reference to Pecos which Vela mentioned. We ran a report or a survey on Pecos in 1944. I will give you a copy of the Wilson Little study, in 1944. At that time, Senator, in Texas, you had 122 school districts. Out of those 122 school districts 118 had separate housing facilities for Mexican American students.

Therefore, when you see those pictures of those school districts, like in Mathis, Orange Grove or Sandia, you know what kind of "separate housing facilities" they gave us!

BUSING

We talk about busing. Let me tell you two or three very interesting situations involving busing. At the U.S. Commission on Civil Rights hearing in San Antonio, in 1968, the busing situation involving Laughlin Air Force Base came out. Del Rio, Tex., has two separate school districts, San Felipe Creek, separating the Anglos from the Mexican side of town. But even in the Del Rio School District, we had to fight them as early as 1955 because of discrimination.

You have the Anglo Del Rio school district to the north and San Felipe school district to the south. Laughlin Air Force Base, which is in San Felipe district buses their school children. They are bused around San Felipe so they won't go to this Mexican school and are taken to the Del Rio school. This loss costs the San Felipe district $300,000 to $350,000 annually that they need badly.

Del Rio school district has beautiful palaces and school buildings, gymnasiums, cafeterias, fields, et cetera.

San Felipe school district may have the spirit of a good school but they don't have adequate equipment, buildings, or accommodations.

We talk about busing. Sometimes when we hear the word "busing," it creates a fantastic adverse reaction. But there is such a thing as "good busing."

In Webb County, Laredo, Tex., you have the United Consolidated School District, made up of several square miles. In it you have perhaps one of the best bilingual educational programs in the United States, where the children are 50–50 Anglo and Mexican Americans. They are all bused to this school district and are taught both English and Spanish, and they get along fine. Bilingual education is given to all students in the first five grades.

Those kids speak better Spanish and English than I can, and I went to the University of Texas I don't know how many years.

With such a good program, we have a chance to go ahead and get along.

MEXICAN AMERICANS AND PREJUDICE

The U.S. Commission on Civil Rights is coming out with their document Mexican American education study. Let me read you one brief paragraph to show you what I mean about historical prejudice. Face it, Senator, the press and the media, and television, may be interested where there is a lot of action. But, after all, the manifest destiny practically had wiped us out and perhaps they are not too interested in Mexican Americans. I say they are not. When we had troubles in California with Judge Gerald Chargin, the Superior Court judge, who said that Mexican Americans were like animals,

and that we should be deported to Mexico, the news media became silent.

The news media did not help us. They were asked, "Are you a part or member of a collusion," or "Conspiracy of silence?" Are the television and radio stations and some of the news media, are they a willing part and silent supporters to the abuse and exploitation of the Mexican Americans?

Are they adherents in their feeling towards "The Manifest Destiny?"

Were they so permanently brainwashed in the Alamo and San Jacinto matters, that they never could change that feeling?

I hope not. If so, we Mexican Americans are lost.

DE JURE SEGREGATION AND MEXICAN AMERICANS

The U.S. Commission on Civil Rights will say that Mexican Americans have never been segregated by existing statutes into separate schools or school districts in any of the five States of the southwest. No such statute ever existed.

However, they have been subjected to "de jure segregation" in the past by the actions of school boards whose stated policy was to separate Mexican American pupils. Although no overt policies of segregation remain today, Mexican Americans are still substantially under-represented in some school districts and not represented in others.

Senator, this is so. In 1948, during the Delgado case, I read English quite well, though I don't speak it so well. There and then Commissioner of Education, Dr. L. A. Woods, and his successors, were permanently enjoined from participating or aiding any school district that segregated the Mexican American child. This is law. They are still under court order. Because of this, I have been crying to HEW and the Justice Department. No sense in crying to Texas. Texans don't pay any attention to us or care about us. No one in HEW or the Attorney General's office seems to want to move against the big boy. I say he is enjoined by the Delgado decision. But they are not interested in helping us. They are part of this plan of keeping us out of the schools and uneducated.

MEXICAN AMERICANS: EDUCATIONAL STATISTICS

In 1944, I remember well, out of 250,000 Mexican American scholastics, well over 120,000 were not even attending schools. Today, in 1970, I can tell you there are about 15 to 20 percent of the Mexican American children who never go to any school at any time.

According to the 1960 census, by the time your 25 percent Mexican American children who never attended and add the ones who quit at the grammar school level, which is 55% more, you have 80 percent of our kids who neither attend or never get past the grammar school level.

Senator MONDALE. Would you say that again? You estimate that 80 percent of the Mexican American schoolchildren of Texas never get past the sixth grade?

Mr. GARCIA. By the 1960 Census, 25 percent or so of our children have never attended school. You add about 55 percent more of the

ones who enter school, who become dropouts, by the time they get through grammar school we have lost 80 percent.

By the 1960 census, we only got 2 to 3 percent at the college level. And less than 2 percent ever finish 4 years of college.

What we have to face, of course, is that Texas don't want us in the schools.

I will read this last sentence on the U.S. Commission on Civil Rights report and then I will probably be finished.

It reads "In addition to the deliberate design of school authorities, this has occurred for such reasons as historical patterns of settlement and the concentration of ethnic groups and economic levels and by neighborhood.

You are talking about HEW here. We have been constantly asking Mr. Stanley Pottinger, Mr. Jervis Leonard, for help and indirectly whoever the HEW chief was—since they change him around so much and it is hard to find out who he is.

I am serious about who to approach in this related matter. Let me explain their memo sent out.

TRACKING

On May 25, 1970, they put out a beautiful document called "School Districts with More Than 5% Minority Group Students and Identification of Discrimination, and Denial of Services on the Basis of National Origin." According to this report, there are a number of common practices which have the effect of denying the equal educational opportunity to Spanish-surnamed people. They say the children who are deficient in Spanish language should not be put into the retarded classes.

It is a surprising thing to see a little Mexican American child who has been classified as mentally deficient because of language turn out to be smarter than I am when I talk to him in Spanish.

This is the result of aptitude tests which are written in English and run by English-speaking. Therefore in Texas, you have special education classes, as high as the junior high.

I can't possibly medically believe that all those thousands of Mexican American kids in Texas are mentally retarded. In Beeville's retarded classes they have a few blacks and I think one Anglo. It is fantastic what they have done to us, when they have classified us as mentally retarded. What a shame! What a shock!

LANGUAGE AND CULTURE

You talk about languages. They say, "Well, since you don't speak English you cannot make a good living." Let me tell my black brothers who are here today why this is not so.

Senator Yarborough mentioned the scholastic achievements in the 1960 Census. According to 1960 the Mexican American has a sixth-grade education, the black has 8 years of education. The Anglo 11.5 grades. The blacks have the names like Johnson or Smith, and down the line, and are speaking only one language, "English."

Yet, economically, according to the same census, there are more poor blacks in any level at less than $3,000 annually and percentage-

wise there are more Mexican Americans who make more than $3,000 annually.

This argument that if we Mexican Americans would speak English we would be better off doesn't hold, according to statistics. So I might tell my black brothers if you spoke Spanish, you might do better. That is statistically speaking.

COMPLIANCE AND HEW

The memo mentions the retarded, the tracking system and the other type of discrimination by school districts. This is a beautiful written job. But they haven't done anything about stopping these abuses.

Carlos mentioned these things being passed over because it involves Mexican Americans.

I am leaving you a copy about 40 school districts that have been brought to a state school conference in the last week of July or the first week of August. The conference being held in Austin, Texas. There were 38 districts. The school districts met with the Commissioner of Education Dr. Tex Edgar and the HEW people. They conferred with 38 school districts who are supposedly in violation of civil rights.

But as has been brought out, this was not done for the purpose of eliminating the discrimination or segregation of the Mexican American. This was only for our black brothers benefit. I wish them luck. But why not us also?

In Corpus Christi schools our black brothers were thrown in with the Mexican brothers. Then the Anglo people told the blacks, "Well, Mexicans are with white and you cannot complain because you are with Caucasians; you are integrated."

I am supposed to meet with Mr. Stanley Pottinger sometime today. I really will ask him what happened in Sonora since for over 4 years they have been found in noncompliance. Why can't he move?

Look what is happening in Pecos, where we have a separate Mexican American junior high, separate Mexican grammar school, and never have had a single Mexican American teacher there? When does he want to move? What is the sense of having civil rights when it does not apply to us?

We have had the U.S. Constitution, then we needed a Bill of Rights as amendments to the Constitution. We have the Civil Rights from 1964, 1957–1960-1968 and 1970. We had the Voting Rights Act of 1965. You will have them in 1972, 1974. You have these guidelines on civil rights. But they do not apply to Mexican Americans.

We also have the Texas Constitution and we have the Treaty of Guadalupe-Hidalgo. That is the written word. But what is the spoken word, what is the action? What good are these documents when Government excludes us from their coverage and implementation. Why?

Therefore, I am asking you, Senator, to exert some pressure on the Federal agencies and people who can take some action to help us.

In conclusion because of my name, I have been called a lot of names, but, of course, nothing matters anymore, except my people.

As we say in Spanish, I have seen the setting sun come over my

head, instead of the break of dawn. "Ya llego el ocaso de mi existencia!"

We have been told, "Don't feel so bad. You are merely the orphans of the American society." Wait be patient!

But we the people who are receiving the hate and prejudice, and discrimination, cause us to say, "We feel more like—because of the way they kick us around."

I left Corpus Christi to be with you at a time when my patients are in the hospital, and our people are still being fed by the Federal Government. We do not expect Texas to offer us a solution. Since by tradition they feel it is their job to keep us discriminated, segregated, exploited.

Every Mexican community still has its creek, its highway, its ditch, its river that separate us from the life stream. We came to look for Federal help. When is Federal help coming? Please help us.

I think you can help us a lot. Otherwise, if I didn't think you could, I wouldn't be here.

I want to thank you very much for this opportunity to present my statement. I have my documents, and I have the other cases I referred to.

I say my God, it is high time that our State and country was changing this feeling of hate toward the Mexican American. We fought World War I and we fought World War II.

In World War II for the second time in Germany we got rid of the Hitler racist. After Pearl Harbor we forgave the Japanese, and today they are competing with us. In industry they are number two or three in the National Gross Product, and moving ahead of us.

We forgive everybody in the world, but we cannot forget the Alamo, San Jacinto. We cannot forget the Mexicans. We still hate Mexicans. Why?

Perhaps we are coming to the point where we must teach that it was Spaniards our forefathers, who explored two-thirds of the United States before the Pilgrim fathers landed here? Are we going to ignore the fact that in the Southwest, 50 percent of all Vietnam casualties are Mexican Americans.

LANGUAGE AND CULTURE

Why can't people see that we should be bilingual and bicultural? In spite of the fact that we are illiterate to a great degree, we have not produced one single traitor to this our country. Please don't throw us back to the wolves of discrimination and hate.

Is Texas different? Only to a degree. There are school problems for New Mexico, Arizona, California, and Colorado.

As I said in the beginning, I think you can do a lot. Get hold of the people who are responsible to make the Civil Rights Act work. The Bill of Rights, the American Constitution, the Texas Constitution must work for Mexican Americans also before it is too late.

Senator, there is nothing wrong with Mexican Americans. We are a law-abiding, loyal, family people. We are proud to be Americans. We are patient and tolerant to a degree beyond, any other group of people in our country.

It is the American system that has not worked for us. I want it to work for us. I am here as a capitalist. I am one of the few Mexicano capitalists. They say, "Dr. Garcia, why do you criticize our system? I say, "I criticize only because I want more Mexicanos

capitalists, more educated, more in college, more priests, teachers, doctors, engineers, etc."

Senator, we have stood up to the challenge. Of all the groups of people in the history of the United States, we are one that was not extinguished or exterminated. This is due to our belief in family life, belief in God, love in our country. We have survived abuse and exploitation for hundreds of years. We will persist.

I want to thank you for your time.

I am appealing to the gentlemen who are here from the press. I think this problem should be brought out forthright and strongly with the bare facts hoping to move the conscience of this—our country. This is not my job. To a great degree, this is your job. Please help us.

I am only saying that we will be very grateful to you because we are worthy of your help.

Thank you. Muchas gracias.

Senator MONDALE. I see why you enjoy the reputation that you do. Your presentation has been very moving. I think in a real sense your testimony places this problem in a historic and an emotional context without which it cannot really be understood.

May I say one other thing? In this day when so many people are losing faith in any effort to change and have given up on the possibility of reform it is reassuring to see someone who has tried as long as you have and who has been disappointed for as long as you have and yet who still comes back for more.

Unfortunately, in American society, increasingly there is greater evidence of people giving up and trying different strategies. I am not only moved but encouraged by what you have had to say.

JUSTICE AND HEW

May I say one thing: This Committee has tried to put a little pressure on the Justice Department and on the HEW Department by divesting specific questions to the Attorney General, the Assistant Attorney General and to Mr. Pottinger.

I will ask the staff to show you some of the answers that Mr. Pottinger gave us.

I hope you will help us make the facts clear, particularly concerning the testimony we have heard this morning, about the total absence of an effective national policy against the widespread official discrimination affecting Mexican Americans.

In fairness to this Administration, I don't think they have to feel solely guilty about this situation. This is a long-standing bias. This is an American problem. We can all go at it together without anybody feeling that they have any ego involved. This is a national problem that desperately calls out for a full-hearted response, as the testimony of each of you so clearly reveals.

It is now 1:15. We have been at it for 2½ hours or so. I am sure Senator Yarborough has some questions. I will have to be excused.

There may be some questions that we will put to you in writing.

Senator Yarborough.

Senator YARBOROUGH (presiding). Senator, Dr. Garcia is a long-time friend. I got acquainted with him shortly after I returned from overseas service in World War II. I was on the staff of the 97th

Infantry Division. He commanded an American Army hospital in Naples. He came back and fought discrimination against the Mexican Americans, he organized the American GI Forum singlehanded.

He was presented the Gold Medal a few years ago, the only one ever struck, as the founding father of it. They have chapters in over 30 States. Even the veterans' organizations didn't give the Mexican Americans equal status.

They have their own patriotic veterans' organization. They have the prettiest cap of any veterans' organization in America. It is red, white, and blue.

I have been to committee meetings, state and national, with Dr. Garcia, who has held diplomatic appointments by the President of the United States. He has done something I will never have the privilege of doing in my life. He has been officially designated to sign treaties for this Nation.

He takes time from his practice. I know after operating all day, he will drive most of the night to go to a meeting in a small town to help the Mexican Americans there.

We just hope that his health and his endurance lasts.

Great changes have been wrought, but this is just the beginning. People are just getting enlightened as to what is needed.

His life is a testimonial as to what one man can accomplish, earning his living, maintaining his family, and driving night after night across the roads of Texas so that his leadership is now national leadership.

Are there any further comments any of you would like to make?

MEXICAN AMERICANS: ATTITUDES AND ASPIRATIONS

Father CASSO. Senator, I would just like to comment based upon what we have heard here today, that all of us here would agree that the Mexican American has had great faith in the institutions that have affected his life.

We see, as I tried to depict here, the young who are questioning all of these institutions, the religious institutions, the educational institutions, and others. They are giving them a second look.

If we can interpret anything from the student walkouts today, they are losing faith in the educational system. I, for one, as a religionist, am quite concerned that if the Mexican American loses trust and faith in education, I wonder what is going to take its place and how many hundreds of years it will take to try to regain those virtues that we have seen being destroyed.

I think that is a very, very crucial thing that the leadership of this country and those in all walks of life will have to resolve.

Senator YARBOROUGH. I think, Father Casso, what you said is very, very important for this country.

When the Mexican American farmworkers marched in the Lower Rio Grande Valley to Austin, Tex., several years ago, on Labor Day, in 1966, I met them there at Austin and talked with them.

As you know, there were a few Anglos marching with them. I talked with one Anglo who marched with them that had also marched with other minority groups.

He told me at Austin:

> You know, these people are great people for this country because they have love and faith in their country, the flag of their country, and great love and

two things that many other groups in the country have lost. They have great faith and trust in their church.

We have walked with some groups in this country that no longer do. They question the government, the religion, and no longer trust either one.

You say if these values are lost, it is a loss to our civilization. These people must be given an opportunity commensurate with their great native ability, intellectual ability. There have to be opportunities in life.

Are there any further comments, gentlemen?

Mr. VELA. Along the line of the topic of discussion which I discussed, I would like to enter for the record something concerning the memorandum issued to school districts with more than 5-percent national origin minority groups, children, that was supposed to have been sent to all school districts with more than 5-percent Mexican American student population in Texas and New Mexico by HEW.

I know for a fact, as Texas State coordinator, this was not mailed to no more than about 50 percent of the school districts in Texas with 5-percent Mexican Americans, and in New Mexico.

I would like to enter that into the record.

Senator YARBOROUGH. Very well.

(The document referred to follows:)

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE,

OFFICE OF THE SECRETARY,
Washington, D.C., May 25, 1970.

MEMORANDUM

To: School Districts With More Than Five Percent National Origin–Minority Group Children.
From: J. Stanley Pottinger, Director, Office for Civil Rights.
Subject: Identification of Discrimination and Denial of Services on the Basis of National Origin.

Title VI of the Civil Rights Act of 1964, and the Departmental Regulation (45 CFR Part 80) promulgated thereunder, require that there be no discrimination on the basis of race, color or national origin in the operation of any federally assisted programs.

Title VI compliance reviews conducted in school districts with large Spanish-surnamed student populations by the Office for Civil Rights have revealed a number of common practices which have the effect of denying equality of educational opportunity to Spanish-surnamed pupils. Similar practices which have the effect of discrimination on the basis of national origin exist in other locations with respect to disadvantaged pupils from other national origin-minority groups, for example, Chinese or Portugese.

The purpose of this memorandum is to clarify D/HEW policy on issues concerning the responsibility of school districts to provide equal educational opportunity to national origin-minority group children deficient in English language skills. The following are some of the major areas of concern that relate to compliance with Title VI:

(1) Where inability to speak and understand the English language excludes national origin-minority group children from effective participation in the educational program offered by a school district, the district must take affirmative steps to rectify the language deficiency in order to open its instructional program to these students.

(2) School districts must not assign national origin-minority group students to classes for the mentally retarded on the basis of criteria which essentially measure or evaluate English language skills; nor may school districts deny national origin-minority group children access to college preparatory courses on a basis directly related to the failure of the school system to inculcate English language skills.

(3) Any ability grouping or tracking system employed by the school system to deal with the special language skill needs of national origin-minority group children must be designed to meet such language skill needs as soon as possible and must not operate as an educational dead-end or permanent track.

(4) School districts have the responsibility to adequately notify national origin-minority group parents of school activities which are called to the attention of other parents. Such notice in order to be adequate may have to be provided in a language other than English.

School districts should examine current practices which exist in their districts in order to assess compliance with the matters set forth in this memorandum. A school district which determines that compliance problems currently exist in that district should immediately communicate in writing with the Office for Civil Rights and indicate what steps are being taken to remedy the situation. Where compliance questions arise as to the sufficiency of programs designed to meet the language skill needs of national origin-minority group children already operating in a particular area, full information regarding such programs should be provided. In the area of special language assistance, the scope of the program and the process for identifying need and the extent to which the need is fulfilled should be set forth.

School districts which receive this memorandum will be contacted shortly regarding the availability of technical assistance and will be provided with any additional information that may be needed to assist districts in achieving compliance with the law and equal educational opportunity for all children. Effective as of this date the aforementioned areas of concern will be regarded by regional Office for Civil Rights personnel as a part of their compliance responsibilities.

AMERICAN GI FORUM OF THE UNITED STATES,
August 13, 1970.

MR. STANLEY POTTINGER,
National Director, Office for Civil Rights, U.S. Department of HEW, Washington, D.C.

DEAR MR. POTTINGER: It is our understanding that the Office for Civil Rights has made two on-site visits to the Pecos Independent School District in Pecos, Texas. The first visit was made in the summer of 1968 and the second in the summer of 1969.

We have learned from local citizens that the following facts have existed and still exist in Pecos, Texas:

1. Until the late 1930s, Mexican Americans were assigned to the Mexican School, Negroes to the Colored School, and Anglos to Pecos Elementary and High School. Once Mexican Americans finished their schooling, they were forced to attend adjoining districts because they could not attend the Anglo high school.

2. In the early 1940s, Mexican Americans were finally permitted to attend the Anglo High School, but until 1950 less than 15 actually graduated.

3. In 1948, the "Mexican" school was renamed the Bell Elementary School, but Mexican Americans at the elementary level were still totally segregated.

4. In 1953, the Pecos School District attempted to create a separate Mexican American high school. Mexican Americans gathered their forces and led by two able attorneys, Gus Garcia and Albert Armendariz, they succeeded in holding the district from creating separate schools beyond the 8th grade. However, East Pecos Jr. High, a Mexican American school was still created during this time.

5. Today we are still informed Bell Elementary and East Pecos Jr. High are still Mexican American schools.

6. We further understand that virtually all Negroes in grades 1–8 are still attending Bell Elementary and East Pecos Jr. High.

From the above facts, it is clear that Pecos historically maintained separate systems for both Negroes and Mexican Americans. It is also clear that the East Pecos Jr. High and the Bell Elementary, now Haynes Elementary School, are still vestiges of that former segregated school system.

Section 11 of your own *Policies* states that "Compliances with the law requires that there be no white schools, no black or other *minority group* schools, just schools." Recent Supreme Court decisions have held that in situations such as this, it is the responsibility of the school district to eliminate the racial identity of its schools "at once."

It has been over a year since a team from your office last visited Pecos. Why has no action been taken in this matter?

Certainly, we cannot conceive that a serious case of this type is not covered by the Civil Rights Act of 1964. Could it be that your Office harbors anti-Mexican American feelings? What is it, were you not created to implement the Civil Rights Act in cases of discrimination on the basis of color, race, and *national origin?* Then we wonder why Mexican American students are walking out of schools throughout the Southwest. When is your Office going to stop being unconstitutional?

The United States Constitution, all Mexican American and Negro citizens in the United States, and all other decent American citizens demand action *at once*! We will be expecting a response from you *VERY SHORTLY*!

Dejectedly,

Dr. HECTOR P. GARCIA,
Founder and State Chairman,
American GI Forum.

STATISTICS IN THE CORPUS CHRISTI PUBLIC SCHOOLS, COMPILED BY DR. HECTOR P. GARCIA

These statistics are compiled for the 1965–1966 year. The purpose is to show the situation of the Mexican American Teachers in the school system as administrators and teachers.

CENSUS OF 1950 AND CENSUS OF 1960 FOR CORPUS CHRISTI

Median years of school completed by persons 25 years of age and over, by ethnic groups 1950 and 1960

	Years
1950:	11.8
Anglo	3.2
Mexican-American	7.7
Nonwhite	
1960:	12.2
Anglo	4.5
Mexican-American	8.0
Nonwhite	

Therefore during the 10 year study the Mexican American only increased his schooling 1.3 years in Corpus Christi, and even in 1960 taking in consideration that according to federal standard anyone with less than 3d grade level is considered a functional illiterate. The Mexican American in this area i not doing so good.

CORPUS CHRISTI STATISTICS

Central administrative offices

1. As to administrative offices and officers let us say simply that presently we do not have any of our ethnic group in top positions, the heads of the assistants, division of personnel, division of research and pupil services, etc. have no Mexican Americans.

Consultants

Out of 14 consultants, we have only two Mexican Americans

School nurses

Out of 15 school nurses, we have only one Mexican American.

School cafeteria managers

Outsof 55 school cafeteria managers, we have only 5 Mexican Americans. They work at the following schools: Austin, Lamar, Los Encinos. Chula Vista and Zavala.

HIGH SCHOOLS ADMINISTRATIVE OFFICERS

High schools	Total	Mexican-American
Mary Carroll	8	0
Solomon Coles	2	0
Richard King	8	0
Roy Miller	9	0
W. B. Ray	9	0
Grand total	36	0

Corpus Christi Junior High School study includes the following junior high schools: 1. Baker 2. Barnes 3. Browne 4. Cullen Place 5. Cunningham 6. Driscoll 7. Hamlin 8. Northside 9. So. Park 10 Sundeen 11. Wynne Seale

Administrative officers	Total	Mexican-Americans
Baker	5	0
Barnes	5	[1] 2
Browne	4	0
Cullen Place	5	0
Robert Driscoll	4	0
Hamlin	5	0
Northside	5	[2] 1
South Park	5	0
Sundeen	4	0
Wynne Seale	5	[2] 1
Grand Total	47	4

[1] (1) Assistant Principal (1) counselor.
[2] Assistant principal.
[3] Principal.

Corpus Christi elementary schools study covers 39 elementary schools. There are only 39 principals; three are Mexican-Americans.

HIGH SCHOOL BREAKDOWN

	Total teachers	Mexican-Americans
Mary Carroll High School	97	[1] 2
Solomon High School	18	0
King High School	75	[2] 2
W. B. Ray	115	[3] 5
Roy Miller Senior High	117	[4] 15
Grand total	442	[5] 24

[1] 1 shop; 1 band.
[2] 1 shop; 1 Spanish.
[3] 1 physical education; 4 Spanish.
[4] 12 percent.
[5] 6 percent.

It also follows that with few exceptions there are very few Mexican-American teachers in the predominant Anglo junior high schools.

School	Total	Mexican-American teachers
Baker	62	[1] 1
Browne	36	0
Hamlin	50	[2] 1

[1] Spanish.
[2] Spanish history.

Personally I could never accept and I still do not accept the idea that a remodeled school like Miller (40 years old) could be as good as a new one. Miller should have a new school.

Certainly, the plight of the Mexican-American student and teachers needs much improvement and changes. I feel that we should have a change. After ten years we want someone who believes in the freedom of the teachers and in hiring teachers according to their ability.

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE SOUTHERN DISTRICT OF TEXAS, CORPUS CHRISTI DIVISION

Jose Cisneros
vs.
Corpus Christi Independent School District
Civil Action Number 68–C–95

JUNE 4, 1970.
TIME: 11:08 A.M.

The Court: Will everyone please be seated.

In Civil Action Number 68–C–95, a Civil Rights Class action, the following will constitute the Findings of Fact and Conclusions of Law, and may be amended and/or supplemented at a later date, but these Findings today will control and determine the disposition of the issues before us.

Firstly, this Court finds that it has jurisdiction and that this is a proper class action under Rule 23 of the Federal Rules of Civil Procedure.

Needless to say, this Court considers this to be a most important case. Not only because of the great interest that has been manifested by the large attendance of citizens in the courtroom, and the amount of the time and space the news media have devoted to the coverage of the trial but the Court realizes and understands that we are considering two of the most important aspects and interest of the school patrons and also the school administration: the taxes of money and the children.

Because it is an important case I want again to express my appreciation for the efforts of the attorneys who have appeared here, not only for their cooperation in providing the Court with all the relevant and pertinent evidence, voluminous data and statistics, but also well written briefs, and also for the expeditiously manner in which the evidence was presented.

This type of legal controversy, which is prevalent all over the country, has finally come to the City of Corpus Christi, as it has come to many other communities over our land, and the magnitude of the problem is reflected in the great volume of litigation and opinions which we lawyers are familiar with.

Because the United States District Courts are under a Mandate to expedite this type of litigation, and because this Court knows that school has just closed and the summer semester is beginning, and that the 1970–1971 school year term will begin in three (3) months, the Court believes it will serve the ends of justice, as well as the interest of the parties to this law suit, especially the School Administration, to present this opinion orally and not to have to, or not to wait to have it typed, reproduced and printed.

Although, as you realize, this has not been an easy task. I have had the advantage of three (3) weeks of night and day studying these exhibits, this voluminous date, taking two brief cases to Miami, constantly reading the opinions and having them available to me as they are published. And also, thanks to the attorneys in the case, of having the advantage of having daily copy made of the proceedings and testimony.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

One great advantage and help to the Court was the way and manner all the statistical evidence was worked and cataloged at the beginning of the trial, and which was offered and stipulated to early in the trial, and which was available to the Court for study for these three (3) weeks.

We also were fortunate in having available every recent appellate decision concerning these matters.

In reaching the decision in this case, I have carefully weighed and considered all of the evidence, and each and every witness's testimony was considered in the light of common sense, the witness's experience and qualifications, his interest in the case, his demeanor on the witness stand, whether or not he answered the questions directly and unequivocably, or whether he was vague or evasive, or whether he equivocated, and whether or not he appeared accurately in comparison with statistical data and evidence that was not disputed.

Although the statistical data and evidence was largely undisputed, I find as a matter of fact for the record that the case presented by the Plaintiff is accurate and correct as to student populations, percentage of ethnic groups, that is as we have called them in this trial, Anglo, Negro, and Mexican-American, locations of schools, and the make-up of the student population, the location and ethnic patterns of general population within this area, the number of teachers, the schools they are assigned to, and the ethnic background of each teacher in each school, and the location of past and present boundaries, the time and cost of construction of new schools, the cost of renovating of old schools, the number of children bussed in the past and in the present, and who they were, and who they are.

I especially find the Plaintiff's Exhibits No. 4, 4–A, 4–C, and 4–D as accurate and very illuminating.

The same is true for Plaintiff's Exhibits 6–A, 6–B, 6–C and Plaintiff's Exhibit 7, also Plaintiff's Exhibit No. 35, and Plaintiff's Exhibit 36.

The Court accepts as true and correct the other objective data and statistics offered by the Plaintiff.

Of course, most of this evidence, if not all, was furnished by the Defendant, and the Court is deeply appreciative of the cooperation, of the long, tiresome work that the School Administration had to undertake to furnish this data.

I also find that the Defendant's objective statistical evidence is true and correct, such as Defendant's Exhibits 1, 2, 2–A, 3, 3–A, 4, 5, 6, 7, 9, 10, 11, 14, 15, and 16.

The Plaintiff's and Defendant's exhibits as mentioned mainly include objective evidentiary data over which there is no dispute, as I understand the parties, but I do understand that each side contends there are different factual and legal implications and conclusions to be drawn from this objective statistical evidence which the Court, of course will have to decide.

As to the other exhibits, the Court will consider them and give to them whatever weight and credibility, as well as relevancy, the Court feels they deserve in deciding the factual and legal issues involved.

Finally, the Court recognizes that experts similarly trained, similarly educated, and with good intentions, do disagree over fundamental issues. And that is not only true in the field of education, but this Court sees it every day when we have trials with experts, where they disagree over the most basic and fundamental issues. And there has been some disagreements manifested during this trial that just could not be reconciled and the Court must use its own judgment to see that justice is done after carefully considering all of the evidence.

Although there has been a somewhat lack of basic empirical evidence which has been validated or demonstrated by experience or results, and the educators spoke of that often during the trial, the Court must decide this case on the evidence before it.

Now to the issues in the case—it appears to the Court that the controlling and ultimate issues, stated in general terms, are as follows:

Firstly, can Brown, 347 U.S. 483, and its progeny apply to Mexican-Americans in the Corpus Christi Independent School District, or stated in another way, is Brown limited to Negroes only?

Secondly, if Brown can apply to Mexican-Americans, does it under the facts of this case?

In another way, assuming Brown applies to Mexican-Americans, are the Mexican-American students segregated or in a dual school system?

Thirdly because I think most of us agree that the Negroes in Corpus Christi are protected by the Fourteenth Amendment to the Constitution under Brown, as that was a case involving blacks and whites, and later the Supreme

Court and Fifth Circuit cases, the question or issue here is, do we have a dual or unitary school system as it affects Negroes in Corpus Christi?

Further, or fourthly, if we do have a dual school system here as defined by recent Fifth Circuit cases, and that Negroes and Mexican-Americans are denied their Constitutional rights under the Fourteenth Amendment, is this a de jure or de facto dual or segregated school system?

And finally, if we do have a dual system, how can the Court, and under what plans and programs, disestablish a dual school system and establish and maintain a unitary school system in contemplation and compliance with the recent Supreme Court and Fifth Circuit opinions?

And so, in determining the first general issue in this case, which is whether Brown can apply to Mexican-Americans in the Corpus Christi Independent School District, the Court now makes the following observation concerning the implication of Brown to this issue:

This Court reads Brown to mean that when a state undertakes to provide public school education, this education must be made available to all students on equal terms, and that segregation of any group of children in such public schools on the basis of their being of a particular race, cult, national origin, or of some readily identifiable ethnic minority group, or class, deprives these children of the guarantees of the Fourteenth Amendment as set out in Brown, and subsequent decisions, even though the physical facilities and other tangible factors may be equal.

Although these cases speak in terms of race and color, we must remember that these cases were only concerned with blacks and whites, but it is clear to this Court that these cases are not limited to race and color alone.

In this case, if the proof shows that the Mexican-Americans in the Corpus Christi Independent School District are an identifiable ethnic minority group, and for this reason have been segregated and discriminated against in the schools, in the manner that Brown prohibits, then they are certainly entitled to all the protection announced in Brown. Thus Brown can apply to Mexican-American students in public schools.

Having decided that Brown can apply to Mexican-American students in public schools, the Court now must determine whether under the facts of this case the Mexican-American students in the Corpus Christi Independent School District do fall within the protection of Brown.

The Court finds from the evidence that these Mexican-American students are an identifiable ethnic minority class sufficient to bring them within the protection of Brown.

It is clear to this Court that Mexican-Americans, or Americans with Spanish surnames, or whatever they are called, or whatever they would like to be called, Latin-Americans, or several other new names of identification, and parenthetically the Court will take notice that this naming for identification phenomena is similar to that experienced in the Negro groups, black, Negro, colored, and now black again with an occasional insulting epitaph that is used less and less by white people in the South, fortunately. Occasionally you hear the word "Mex" still spoken in a derogatory way in the Southwest.

It is clear to this Court that these people which have used the word Mexican-American to describe their class, group, or segment of our population, is an identifiable ethnic minority in the United States, and especially so in the Southwest and in Texas and in Corpus Christi. This is not surprising; we can notice and identify their physical characteristics, their language, their predominant religion, their distinct culture, and, of course, their Spanish surnames. And if there were any doubt in this Court's mind, this Court could take notice, which it does, of the Congressional enactments, governmental studies and commissions on this problem. And also the opinions, such as Hernandez versus Texas, 347 U.S. 475, a 1954 case; Judge Allred's decision in the case, Hernandez versus the Driscoll Consolidated Independent School District, Civil Action No. 13840; unpublished, Keys, et al, versus the School District Number 1, Civil Action 1449, District of Colorado; the Westminister School of Orange County versus Mendez, 161 Federal 2nd 774, Ninth Circuit, 1947; and also, and very importantly, the recent Federal Government's intervention in Marcos Perez, et al, versus The Sonora Independent School District, Number 6,224 Civil, San Angelo Division of the Northern District of Texas.

This Court further finds that the Mexican-American students in the Corpus Christi Independent School District are now separated and segregated to a

degree prohibited by the Fourteenth Amendment in all three levels of the school system, elementary, junior high, and senior high. It is obvious to the Court from the evidence that the Mexican-Americans have been historically discriminated against as a class in the Southwest and in Texas, and in the Corpus Christi District. This Court is convinced that this history of discrimination as given by Dr. Thomas Carter, Dr. Hector Garcia, and Mr. Paul Montemayor is substantially correct.

Not only do I find that Mexican-Americans have been discriminated against as a class, I further find that because they are an identifiable ethnic minority that they are more susceptible to discrimination and this is not common to Mexican-Americans and Negroes alone, but it appears from history that any identifiable minority group, that is a different person, whether it be racial, ethnic, religious, or national origin, may quite often suffer from this problem.

It seems to this Court that the Mexican-American organizations, such as the LULAC and the G. I. Forum, and now MAYO, were called into being in response to this problem. This is why, perhaps, we are having so many studies, so many hearings, so many government commissions studying these problems, and so many publications and books being published concerning this very real problem.

Fortunately, the objective manifestations of this type of discrimination is gradually disappearing from our society. Nevertheless, this historical pattern of discrimination has contributed to the present substantial segregation of Mexican-Americans in our schools. This segregation has resulted in a dual school system.

The Court also finds that the Negro students in the Corpus Christi Independent School District are also segregated to a degree prohibited by law which causes this to be a dual rather than a unitary school system.

The Court's finding that the Mexican-American and Negro students are substantially segregated from the remaining student population of this district is based primarily upon the undisputed statistical evidence. This is also, and I also find, true of the faculty.

The Court is of the opinion that by placing Negroes and Mexican-Americans in the same school does not achieve a unitary system. As contemplated by law, a unitary school district can be achieved here only by substantial integration of the Negroes and Mexican-Americans with the remaining student population of the district.

As to whether or not the segregation which has resulted in a dual, in this dual system, is de facto or de jure, the Court is of the opinion that some of the segregation was of a de facto nature; that is, because of the socio-economic factors which caused Negroes, Mexican-Americans to live in the corridor, which we have described here as where they live, and similar to the ghettos of other cities, and of the pattern of the geographical and demographic expansion of the city towards the south and southwest.

But this segregated and dual school district has its real roots in the minds of men that is, the failure of the school system to anticipate and correct the imbalancing that was developing. The Court is of the firm opinion that administrative decisions by the school board in drawing boundaries, locating new schools, building new schools and renovating old schools in the predominantly Negro and Mexican part of town; in providing an elastic and flexible subjective transfer system that resulted in some Anglo children being allowed to avoid the ghetto, or corridor schools, by bussing some students, by providing one or more optional transfer zones which resulted in Anglos being able to avoid Negro Mexican-American schools and not allowing Mexican-Americans or Negroes the option of going to Anglo schools; by spending extraordinarily large sums of money which resulted in intensifying and perpetuating a segregated dual school system; by assigning Negro and Mexican-American teachers in disparate ratios to these segregated schools; and the further failure to employ a sufficient number of Negro and Mexican-American school teachers; and the failure to provide a majority to minority transfer rule; all of which, regardless of all explanations and regardless of all expressions of good intentions, was calculated, and did maintain and promote a dual school system.

Therefore this Court finds as a matter of fact and law that the Corpus Christi Independent School District is a de jure segregated school system.

The defendants have attempted to show that the Negroes and Mexican-Americans are spread throughout the city. To some extent this is true, never-

theless, the undisputed statistics show that the Negroes and Mexican-Americans are substantially segregated in the school system. So this would mean that the schoolhouse is more segregated than the neighborhoods.

The defendants argued that they did not have the benefit of hindsight, which we all appreciate, but this Court feels that there were sufficient warnings given to the school board by interested citizens and groups to alert them to this problem, which any school board member or superintendent should know might be a problem in this day and age.

This Court is not here to place blame, criticize, or find fault, but this suit was brought to this Court by the plaintiffs alleging a denial of rights protected by the Fourteenth Amendment. And it is this Court's duty to adjudicate these grievances. The courts do not go out and look for these controversial problems to solve, they are brought to the courthouse by human beings with a grievance, and that is where they should be brought.

This Court knows that board members change from time to time; this Court knows that in our complex society of today of large institutions that we do have problems of personal responsibility or of collective responsibility, individual fault, or corporate fault, private blame or institutional blame. Moral man and amoral society, as Neihbur puts it, is still with us. But whatever was the personal and individual intentions of the school board members, who I noted did not testify in this case, the board had the ultimate responsibility, and I find that the board of trustees of the Corpus Christi Independent School District has not discharged its heavy burden to explain its preference for what this Court finds is a segregated and dual school system.

I cannot and do not accept the explanations given by the school administration for not only maintaining a segregated school system and dual school system, but really what appears to me to be a program which will intensify and magnify the problem as time goes on.

This Court is of the opinion that there are reasonable available methods to effect a unitary system, and this Court finds that this dual system can be disestablished without significant administrative, educational, economic, or transportation costs. And I appreciated the plaintiffs bringing the Court's attention that they are not here asking for a large number of children to be bussed, and neither is the Court, and it is obvious that the faculty and the administrative staff is even more segregated than the schools. There is no real dispute here.

The school must assign Negroes and Mexican-American teachers throughout the system on the same ratio of percentages they are in the total teacher and staff population. Furthermore, the school board must immediately take steps to employ more Negro and Mexican-American teachers.

And as to the dire effects the defendant claims will result if there is more transportation of students than is presently done, the Court says that the children who are being bussed now make no such claims, nor have I been shown any harmful effects on the individual children will outweigh the harmful effects on the Negro and Mexican-American child who is in a segregated and dual system. That is my opinion after giving careful attention to all of the testimony of the experts.

The physical and social inconveniences that some children might suffer will not be as severe or as prolonged as compared to the psychological and emotional trauma, and scarring, and crippling that minority children suffer when they feel they are rejected or not accepted.

As to the educational benefits—this Court is of the opinion that the Anglo child and the Negro and the Mexican child will benefit by a unitary system, and I think the plaintiffs' statistics and study show this, especially those on the amount of schooling Anglos and Mexican-Americans get in duration of time. Our nation is becoming polarized and fragmented, and this has the effect of radicalizing many of our young people. It is not enough today to pay lip service to the Constitution by tokenism.

While many of our institutions has a tendency to divide us, religious institutions, social institutions, economic institutions, political institutions, the public school institution, as I see it, is the one unique institution which has the capacity to unite this nation and to unite this diverse and pluralistic society that we have. We are not a homogeneous people; we are a heterogeneous people, we have many races, many religions, many colors in America. Here in the public school system as young Americans, they can study, play together,

inner-act, they will get to know one another, to respect the others' differences, to tolerate each other even though of a different race, color, religious, social or ethnic status.

But be that as it may, the Supreme Court has resolved that problem for the district court by saying that separate education, educational facilities are inherently unequal and therefore unconstitutional.

Therefore the Court finds for the plaintiffs and the injunctive relief prayed for will be granted.

Because the courts, especially in the south, are finding that a biracial or human relations committee appointed by the court can aid the school boards and the courts through these trying times, and in these complex problems of creating a unitary system and maintaining them, this Court is of the opinion that a human relations committee appointed by this Court will be of great help. And therefore the plaintiff and defendant will immediately provide the Court with a list of fifteen names each of patrons of the Corpus Christi Independent School District, which list shall include the name, address, and telephone number of each person and each list shall include five Negroes, five Anglos, and five Mexican-Americans, and the Court will choose from this list two names from each of the five names submitted which will provide the Court with a committee of twelve persons, four of which will be Anglo, four will be Negro, and four will be Mexican-Americans. The Court will charge this twelve-member human relations committee with the responsibility of investigating and consulting and advising with the school board periodically with respect to all matters tending to promote and to maintain the operations of a unitary school system, which will satisfy the law.

Because this opinion and partial final judgment involves a controlling question of law, as to which there is substantial grounds for differences of opinion insofar as this Court is of the opinion that Mexican-Americans are an identifiable ethnic class who have suffered de jure and de facto segregation and who are protected as a class under the Fourteenth Amendment and the laws of the United States, and who are now being subjected to a dual school system in violation of the Fourteenth Amendment and the laws of the United States, and the Court, that the Court has found that they should be and are protected, and that they should be in a unitary school system, and therefore, the Court is of the opinion that the defendant may utilize the procedures of 28 United States Code Annotated, Section 1292 to the end that such an interlocutory immediate appeal, if the defendant should desire to do so, would materially advance the ultimate determination of this Court. But this opinion and the judgment to be entered immediately will not be stayed pending this interlocutory appeal, if one is made because of the defendant's right to an emergency appeal under Rule 2 and Related Rules and Practices of the Court of Appeals for the Fifth Circuit, and further because the parties have already had the transcript made of all the testimony and the voluminous evidentiary data which has been introduced into evidence, is already catalogued, and in such a manner that time will not be a real problem.

The plaintiff and defendant will submit to this Court by July the 15th a final plan which will achieve a unitary school system which will be educationally, administratively, and economically reasonable. It shall include a majority to minority transfer rule as suggested in Singleton, et al, versus Jackson Municipal Separate School District, No. 29226, decided on May the 5th, 1970, by the Court of Appeals for the Fifth Circuit.

The deputy courtroom clerk of the court, Miss Baker, shall select the twelve names which will comprise the human relations committee by arranging all six stacks of five names in an alphabetical manner and taking the top two names from each stack which will provide a human relations committee of twelve persons, four of which will be Negro, four will be Anglo, and four will be Mexican. The clerk will communicate immediately with these twelve persons and inform them that the Court wishes that they serve on this human relations committee, and if any should decline to serve, the Court then will take the next name from the particular stack. The Court has not seen nor looked at those names and does not know who they are except the Court did ask the lawyers, and do ask the lawyers to give us competent people, which I am sure they have done.

The Court Reporter will immediately transcribe these oral findings of fact and conclusions of law in this opinion and will file it with the clerk of the court and provide each party with a copy.

This Court shall retain jurisdiction of this case until it is satisfied that the dual system has been disestablished and a unitary system is in existence for a sufficient length of time to indicate the dual system will not tend to be re-established.

The plaintiff will submit to the Court immediately after consultation with the defendant's attorneys, and after giving the defendant an opportunity to approve it as to form, an appropriate judgment not inconsistent with this opinion.

The Court is adjourned.

U.S. DISTRICT COURT, SOUTHERN DISTRICT OF TEXAS, CORPUS CHRISTI DIVISION

Jose Cisneros, et al.
vs.
Corpus Christi Independent School District

C.A. No. 68-C-95

JUNE 4, 1970.

PARTIAL FINAL JUDGMENT

Pursuant to the opinion of the court rendered in open court on June 4, 1970, which is incorporated herein by reference wherein the court set forth Findings of Fact and Conclusions of Law, the court on this the 4th day of June, 1970, renders Partial Final Judgment as follows:

I

On the merits of plaintiffs' claim pertaining to the present and past assignment of Negro and Mexican-American students the court is of the opinion that the facts and law are with plaintiffs and against defendant and judgment should be rendered for plaintiffs and against defendant.

It is therefore ORDERED, ADJUDGED and DECREED by the court that the present assignment of Negro and Mexican-American students, by the defendant Corpus Christi Independent School District does not conform to law.

It is further ORDERED, ADJUDGED and DECREED by the court that the defendant Corpus Christi Independent School, the members of its Board of Trustees, and their successor in office, and the agents, officers and employees of the said district, and all those in active concert with them be, and they are hereby, permanently enjoined from discriminating on the basis of race, color or ethnic origin in the assignment of students, teachers and staff to the various schools of the district. It is further ordered that defendant School District shall take the following affirmative action.

1. Assign teachers and staff personnel to various schools so as to eliminate either racial or ethnic identifiability of any schools in the system and further so as to achieve an assignment of faculty and staff at each school in approximate proportion to the racial and ethnic composition of the school system's entire faculty and staff at the same school level, that is, elementary, junior high and high school.

2. In the consideration of new schools or expansion of existing facilities give consideration to the achievement or preservation of a reasonable mixture of Mexican-American and Negro students with other students in each such new or expanded facility.

3. File in this court on or before July 15, 1970, and simultaneously serve upon plaintiffs' counsel, a plan for the revised assignment of the student population to be effective before the commencement of the regular school term for the fall of 1970, which plan will conform to law. Such plan shall in the discretion of the defendant include the relocation of boundaries or attendance zones, pairing of schools, grouping of schools, bussing or other device which in the judgment of the defendant school district will promote the objective of a unitary school system taking into consideration the pertinent educational, administrative and economic factors.

Such plan shall include a majority-minority right of transfer by Mexican-American or Negro students. Plaintiffs shall likewise file a similar plan.

This court has heretofore requested the parties to nominate citizens who reside in the area of the defendant district to serve as an Advisory Com-

mittee to this court and to the defendant district. The court shall designate in a subsequent order the citizens who shall constitute the Advisory Committee. Said Committee shall be granted access to all records of the defendant and shall submit proposals and advice to the district and to this court affecting the achievement, operation and maintenance of a unitary school system and all matters pertinent thereto, including but not limited to, new construction and new sites.

Pursuant to a stipulation of the parties, this court has heretofore severed the trial of a specific issue of this case, to-wit: the institution and maintenance of a sequence or grouping system for students. The court makes no finding with reference to the facts or law pertinent to such issue but retains jurisdiction of the case for the further trial and decision of said issue.

The court further retains jurisdiction of the case for the purpose of amendment, expansion or alteration of this judgment pursuant to the plans to be filed in this court on or before July 15, 1970.

This judgment is a final judgment of the merits of the case but is not a final judgment insofar as to the appropriate remedial action of the court in the premises. In making this partial final judgment, the court finds under 28 U.S.C.A. Section 1292 that this judgment involves a controlling question of law as to which there is substantial ground for difference of opinion insofar as this court has rendered judgment that Mexican-Americans are an identifiable ethnic group who are subject to the protection of the Fourteenth Amendment of the Constitution and of the laws of the United States and have been subjected to both de jure and de facto segregation. The court finds that if defendant district desires to appeal from this judgment that such an immediate appeal may materially advance the ultimate determination of the litigation and the court so states in this order, provided, however, that it is not the intention of this order, provided, however, that it is not the intention of this finding under 28 U.S.C.A. Section 1292 to stay proceedings in the District Court nor to suspend the effectiveness of this judgment. It is a further condition of this order that defendant shall exercise its right of appeal under the emergency appeal provisions of Rule 2 of the Federal Rules of Appeal Procedure and related rules and practices of the Court of Appeals for the Fifth Circuit and that Plaintiffs shall cooperate with defendants in the expeditious prosecution of said appeal.

Entered at Corpus Christi, Texas, this 4th day of June, 1970.

WOODROW SEALS,
U.S. District Judge.

Approved as to form only:

JAMES DEANDA, CHRIS DIXIE, JAMES WOLF,
Attorneys for Plaintiffs.

RICHARD HALL,
Attorney for Defendants.

[From The Kingsville-Bishop (Tex.) Record-News, June 17, 1970]

HEW REPORT SETS DEADLINE FOR NEW BISHOP SCHOOL PLAN

Trustees of the Bishop Consolidated Independent School District, in session last week, received a report from representatives of the Department of Health, Education and Welfare setting August 1, [illegible] the deadline for submission of a plan to eliminate what the HEW representatives termed "vestiges of a segregated school system" at the [illegible]lementary School.

The report was submitted to the board last week by members of a three-member investigating team which conducted an [illegible]n in Bishop last January.

In their findings, the HEW team said the West[illegible] School represented a "vestige of the segregated school system" and ordered preparation of a school district plan to insure racial balance in the various schools of the system.

The report also called on the school district to make efforts to employ a larger percentage of Mexican-American teachers and to provide equal educational opportunities by implementing "bilingual and other programs."

School Superintendent W. Z. Miller Jr. said yesterday that school officials are already at work on the new plan. Harrell Holder, who is due to replace Miller as Superintendent on July 1, was in Bishop yesterday to confer with Miller and members of the board about the problem.

Mrs. Doris Adair and Vance Vannoy reported to the board on kindergarten needs for the 1970-71 school year. The two administrators estimated that approximately 50 students in the district would be enrolled in the program, the exact scope of which will be decided later in the year according to Miller.

The board received a report on the summer maintenance program under way in the school system, including painting, construction of cabinets and other minor refurbishing. Milton Jirasek, Bishop Junior High School Principal, reported on summer school which is now in progress for seventh and eighth graders.

In two votes, the board approved installation of relay systems at the Petronila campus to protect electrical systems and authorized the administration to call for bids to be opened at the July meeting.

Senator YARBOROUGH. Is there anything further.

Dr. GARCIA. We wish to thank you for your time. We are very grateful.

Senator YARBOROUGH. The hearing is recessed, then, until tomorrow morning at 10 o'clock.

(Whereupon, at 1:20 p.m., the select committee recessed, to reconvene at 10 a.m., Friday, August 21, 1970.)

EQUAL EDUCATIONAL OPPORTUNITY

FRIDAY, AUGUST 21, 1970

U.S. SENATE,
SELECT COMMITTEE ON
EQUAL EDUCATIONAL OPPORTUNITY,
Washington, D.C.

The select committee met at 10 a.m., pursuant to recess, in room 1318, New Senate Office Building, Senator Walter F. Mondale (chairman of the select committee) presiding.

Present: Senators Randolph and Mondale.

Staff members present: Josué González, Director of Special Studies.

Senator MONDALE. The committee will come to order.

This morning we are privileged to hear from Mr. Armando Rodriguez, director, Office for Spanish Speaking American Affairs, in the Office of Education, and Dr. Thomas P. Carter, Professor of education and sociology, University of Texas at El Paso, and author of one of the key works in this field, "Mexican Americans in School: A History of Education Neglect."

Mr. Rodriguez, do you wish to proceed?

STATEMENT OF ARMANDO RODRIGUEZ, DIRECTOR, OFFICE FOR SPANISH-SPEAKING AMERICAN AFFAIRS, U.S. OFFICE OF EDUCATION, WASHINGTON, D.C.

Mr. RODRIGUEZ. Mr. Chairman, I am privileged to have this opportunity to appear before your committee. I am especially pleased to see a little more of the media here today than yesterday.

Senator MONDALE. I think we have one more reporter.

Mr. RODRIGUEZ. I raised questions about the interest of the media in terms of how they handle the problems and their lack of concern for the problems of the Spanish-speaking.

Senator MONDALE. If you have an answer for that, I would like to hear it.

Mr. RODRIGUEZ. Mr. Senator, if history tells us anything, I would hate to provide that answer, because I don't think we need to go that route. I think we need to begin to enlighten the media of what their responsibilities are.

I hope my remarks will further intensify and illuminate your focus on the educational challenges of more than 6 million Mexican Americans.

I have had an opportunity to read some of the testimony of previous witnesses, and I shall attempt to direct my observations toward recommendations for alleviating some of the existing conditions.

OFFICE FOR SPANISH-SPEAKING AMERICAN AFFAIRS

The Office for Spanish-Speaking American Affairs was created in July, 1967, as the Mexican American Affairs Unit. The charge to the office was to provide expertise in program operation, policy development, and communication between the Office of Education and its Mexican American constituents.

The concept of a product manager was envisioned. The office was designed to operate with a small permanent staff—three professionals—and to work with program people in the various units of OE in carrying out its responsibility.

The title and program scope of the office was changed in January of this year, and a constituency of 2 million Puerto Ricans, 1 million Cubans, and 1 million Latinos was added, without any addition of staff.

Three years of experience has shown that the most effective roles of the office are: (1) "brokering" fund requests from the field; (2) disseminating information on promising programs and program and policy directions of education of the Spanish-speaking; (3) providing OE with information on the wants and desires of the Mexican American in educational programs; (4) increasing the employment by the Office of Education of Spanish-speaking personnel in program implementation positions; (5) stimulating interest and participation by private industry in supporting educational programs for the Mexican American.

We have, I believe, become an effective advocate for equal educational opportunities for the bilingual, bicultural person.

And this advocacy has been, in the past 2 years, supported by an increasing attention in publications and pronouncements of the educational dilemma of the Mexican American.

I recommend a couple of recent publications to the committee. The first is "Mexican Americans in School: A History of Educational Neglect," by Dr. Thomas Carter of the University of Texas at El Paso, and published by the College Entrance Examination Board.

The second is "Disadvantaged Mexican American Children and Early Educational Experience," published by the Southwest Educational Development Laboratory in Austin, Tex.

In November, the entire issue of the "National Elementary Principal's Journal" will be devoted to the education of the Spanish-speaking. This was done by our office.

LANGUAGE AND CULTURE

Rather than repeat some of the items on the already long list of educational problems of the Mexican American presented to you, I want to concentrate on one factor I believe is the basis of these problems, and then move toward some recommendations for solution.

There is little doubt in my mind, after 3 years of countrywide travel and observation, that the single most destructive force against equal educational opportunity for the Mexican American is the educational attitude of our public schools and our institutions of higher education.

I want to repeat the term, "educational" attitude. It is this attitude that accounts for the behavior of the classroom teacher in setting the aspiration level of the Mexican American youngster so much lower than his classmates.

It is this attitude that results in reluctance—even resistance toward hiring Mexican Americans as teachers or their promotion to counseling and administrative positions.

It is this attitude that determines the characteristics of curriculum in our teacher-education colleges.

It is this attitude that permeates the curriculum and materials, and the instructional techniques of those schools serving the bilingual, bicultural child and adult.

It is this attitude that results in ethnic isolation which creates a homogeneity of educational environment in which a perception of cultural diversity, without an assumption of cultural superiority, cannot occur.

It is this attitude that eventually warps the educational attitude of the Mexican American parent and child.

Note that I am talking about educational attitude. This is the attitude that directs the behavior of the teacher, the principal, the education professor "in the school and learning environment," and may differ radically with the attitude of the same person away from this environment.

This educational attitude is predicated on the term, but false, belief that culturally different and linguistically different youngsters cannot or will not become successful learners in the "American" school. And that "American" school is one whose educational philosophy is monocultural and monolingual.

It is this attitude that confuses economically deprived with culturally different. It is this attitude that confuses homogenous learning environment with "providing for individual differences" which results in ethnic and linguistic isolation.

I believe the committee has a copy of a brief but significant paper dealing with "Isolation of National Origin Groups in the Public Schools."

I refer you to this paper, from the Office for Civil Rights of HEW, for a description of behavior resulting from the educational attitude of our schools.

I mentioned a moment ago that this educational attitude phenomenon also is reflected in the parent and child. Mexican American youngsters come to school with a potential of becoming a rich asset to our country—a bilingual, bicultural person.

The youngster may not know it, his parents may not know it—the tragedy is that either the school, who should know, doesn't know it or doesn't care about it. Here is where educational attitude prevails.

The very teacher, or principal, or college professor, or bureaucrat who is most anxious that his youngster learn a second language—and retain his first language—and also travel abroad and learn the culture of another country—will persist in providing a learning environment for the Mexican American youngster designed to destroy his bilingual potential, and eradicate his claim to bicultural heritage.

The result is that the educational attitude of the parent and child begins to reflect the educational attitude of the school.

Monolingualism and monoculturalism is expected—and with it comes the destruction of the self-image of the Chicano—both as an individual and a partner in two cultures. The school has rejected him as an individual which means they have rejected his parents.

This vicious circle of persisting educational attitude has resulted in educational genocide for thousands of Mexican Americans. It is this educational attitude that we must change if equal educational opportunity will become a reality for the Mexican American.

We can talk all we want about other factors—test instructions, curriculum, materials, socioeconomic factors, concentration of students, segregation, integration—the fact remains that the single source of these other factors lies in the "Anglo" educational point of view.

Let me conclude my observations on this point of educational attitude by quoting Dr. Manuel Ramirez, now of the University of California, Riverside, Calif., when he testified before the hearings of the U.S. Civil Rights Commission in Texas in December, 1968.

Dr. Ramirez says:

> My research has identified two different kinds of conflict. The first type arises as a result of the fact that the Mexican American is led to believe that he cannot be identified with two cultures at the same time. There is one message that is given by his parents, his relatives, and other Mexican American students, who tell him that if he rejects Mexican American culture and identifies with the Anglo culture, he may be considered a traitor to his ethnic group.

Dr. Ramirez went on to say:

> The other message comes from teachers, employers, and Anglo friends, who tell him that if he doesn't reject the Mexican American culture, he will be unable to reap the educational and economic benefits that are in the Anglo culture.
>
> The second type is really a series of conflicts which come about because the Mexican American student is bringing with him a series of behaviors, perceptions, methods of viewing the world, of doing things . . . and this conflicts with the value system of the Anglo middle-class.

Then he concludes:

> The big problem that we face as Mexican Americans is, how can we have our children maintain as many of the Mexican American values as possible and still be a success in the Anglo world?

It is my feeling that what Dr. Ramirez is saying is that given an enlightened educational environment, the Mexican American youngster would find for himself the best of two worlds and serve those two worlds to the golden reflection of a truly bilingual, bicultural society.

I am convinced that the first place we must start to deal with this educational attitude is in the teacher-preparation institutions. Today, public school administrators are frustrated at every turn where teacher-training institutions are segregated from the cause of public school education, as so many continue to be by deliberate intent.

And the cause of ethnic isolation and linguistic rejection will continue, and programs aimed at equality of educational opportunity will be manacled and weighted so long as colleges and universities pursue a path of bare tokenism and noninvolvement.

TEACHER TRAINING

Unless there is an about-face in teacher-training practices, public school administration will be forced to assume some of the college function and to fight for legislation to support the assumption of such responsibilities.

It is not enough to introduce a couple of courses in the teacher-preparation curriculum on teaching the "disadvantaged." In the first place, in dealing with the Mexican American, we are not dealing with "disadvantaged" in the sense so easily accepted today. We may be dealing with youngsters possessing "advantages" needing only cultivation and respect.

In the National Conference on Educational Opportunities for the Mexican American in April, 1968, I called for an immediate program to train 100,000 bilingual, bicultural teachers. I have no idea how many bilingual and bicultural teachers—Spanish-English—we have in our schools today. My guess is less than 5,000 and most of these are not trained to teach subject matter bilingually.

Since the educational attitude of a community is expressed most visibly by the educational personnel of the schools, it is imperative that any force for change in the attitude must come from the site of acquisition of that attitude. This, in my opinion, must begin at the teacher-preparation institutions.

And the tragedy is that often a person's educational attitude is much in conflict with his own personal attitude and philosophy on the value of a second language and the importance of cultural cognizance beyond his native culture.

At whatever the costs, the public schools and those who train their personnel must create cooperatives for teacher training, research, and educational leadership that will effectively and immediately produce a change in the educational attitude of our country toward the culturally and linguistically different child and adult.

There must be common goals established for such ventures and examples of culturally and linguistically integrated public schools set up.

We have two programs now operating that move in the positive direction, but they need help. They need plenty of help.

This year, the Education Professions Development Act has funded 10 bilingual teacher training programs. We can be hopeful that out of these programs, some at the junior college level, will come a trickle of teachers whose experience in becoming bilingual teachers will result in educational attitudes that reject the concept of the monolingual, monocultural school.

Our Bilingual Education Act, with its over 130 projects now funded, and with a considerable investment in development of materials. and assessment of materials related to bilingual education, may also provide an impetus toward turning around the prevailing educational attitude.

But these two programs, however well they may be funded and administered will not be able to change prevailing attitudes alone. We must develop additional resources focused on attainment of equal educational opportunity.

SENSITIVE AND HUMANE SCHOOLS, FEDERAL, STATE, AND LOCAL ROLES

It seems to me that the most important arena for educational attitude change outside the teacher preparation schools is the local education agency. It is here that the product of that teacher training institution first faces a test—a challenge of the validity of this attitude.

It is here where we must bring to bear supportive resources of the State and Federal Governments to assist the local educational agency in formulating a new attitude in the education of the bilingual, bicultural child and adult.

I would suggest that the local education agency has the following responsibilities in this battle for attitudinal change.

1. To seek out and employ as many bilingual, bicultural teachers as possible and place them at the primary grades where attitudinal conflicts have not yet been firmly emplanted in the child and parent.
2. Develop and conduct educational programs in all the communities served by the school on the national value of cultural diversity and linguistic competence.
3. Seek out and purchase cultural materials reflecting the ethnic makeup of the school's constituents.
4. Revise the curriculum to provide for balanced and adequate emphasis on the cultural contributions of the Mexican American both to our national heritage and to the local cultural heritage.

For our State education agencies, we must demand that they also play a far more vigorous role in advancing pluralism in our schools through an attack on the present educational attitude.

They can do this through assuming a more forceful role as an advocate for educational attitude change by:

1. Allocating some State monies for use in revising the curriculum in teacher preparation institutions in the State colleges and universities.
2. Developing State legislation that enunciates a State legal commitment to cultural and linguistic pluralism.
3. Initiating a program of disseminating promising educational programs effectively attacking educational attitudes.
4. Coordinating their financial resources to local school agencies so every funding support carries with it a commitment for a positive change to operation of educational programs for the culturally and linguistically different.

PUBLIC AND POLITICAL FACTORS

For our Federal Government, there must be clearer evidence of leadership and commitment in all of its operations—not just those in education. This must be a deep-rooted, psychological and philosophical commitment for making cultural diversity a working pattern in the fabric of our society.

Our Federal Government must continue to provide leadership by making financial resources available to the States and local educational agencies so concerns can become visible and real commitments.

The office of Education must assume a more active role in assessing the pulse of attitudinal movements in education and be prepared to support the positive ones, and thwart the negative ones.

And finally, the Federal Government must create a priority program for education attitude change and enunciate these priorities, with resources in money and manpower, to the State and local education units.

I would like to comment on one other aspect of this fight for change in educational attitude. I am concerned over the slowness of our professional education organizations in developing programs for attacking present educational attitudes.

It is true that most of them now have an office for minorities and some publications dealing with minority educational difficulties, but I have yet to see these associations come squarely to grips with the real issue—the attitudes of their members in serving their black and brown classroom constituents and their parents.

I would respectfully suggest that any examination of the issue of equal educational opportunity in our country today cannot be complete without an assessment of the existing role of the professional education organization, and the declaration by the organizations of their commitment of program and resources for making this change.

S. 3883 offers to the Mexican American and other Spanish-speaking people, a great opportunity to muster resources sufficient to turn around the present educational attitude that now stifles and destroys the educational opportunities of thousands of bilingual, bicultural children and adults.

I hope I have given some assistance to the committee and I am deeply appreciative of this opportunity to be present today.

Senator MONDALE. Thank you, Mr. Rodriguez, for your most useful statement. You probably have more experience than anyone else in the Federal educational apparatus.

Before I ask questions, I will ask Dr. Carter to give us his statement and then will question you together. The questions I have to ask are common to the two of you.

STATEMENT OF THOMAS P. CARTER, PROFESSOR OF EDUCATION AND SOCIOLOGY, UNIVERSITY OF TEXAS AT EL PASO, EL PASO, TEX.

Mr. CARTER. Thank you, Mr. Chairman. I regret I have had neither the time nor the facilities at my disposal this summer to prepare the more lengthy statement your office requested.

However, in addition to my remarks this morning, I request that the summary chapter of my book, "Mexican Americans in School," be entered in the record, as what I plan to say today is augmented in more detail in the book.

Senator MONDALE. We will place that document in the committee files.

Mr. CARTER. The Mexican American faces all manner of well documented problems within Southwestern society, and currently, to a growing extent, in other sections of the Nation.

MEXICAN AMERICAN—EDUCATIONAL ACHIEVEMENT

While Anglos stereotype the Mexican American in numerous and prejudicial ways, a social scientist can only categorically state that the Mexican American tends to speak Spanish, tends to profess Roman Catholicism, tends to be poor, tends to do poorly in school, and tends to suffer overt, though often subtle discrimination.

As a social scientist, I have been concerned with attempting to understand or explain the extremely low Mexican American rates of academic achievement and the exceedingly high rates attrition (loss rates, dropout rates, push-out rates, whatever you wish to call them).

In my search for an explanation, I have come to categorically reject the stereotypic cultural explanation and the so-called theory of cultural disadvantagement or deprivation that is supported by the stereotype.

As an educator, I have been concerned with steps taken or proposed by schools to overcome low academic achievement and high attrition rates.

As I reject the simplistic cultural deprivation explanation, I likewise question the almost universal assumption that traditional compensatory and/or remedial education will improve the Mexican American educational situation.

As I mentioned in the summary chapter of my book, three avenues of Federal intervention are open to aid Mexican American youth.

They are to provide support and incentive to the school in its efforts to modify the Mexican American child and his home environment in order to help the Mexican American meet the expectations of the present school.

The second avenue is to change the school, to modify the school, to cause it to more adequately adjust to the societies and cultures it serves.

The third approach attempts to change society. I will elaborate on these points later.

Let me briefly touch upon each and make some additional suggestions for action.

LANGUAGE AND CULTURE

Generally speaking, wherever large, relatively homogeneous and socially isolated groups of culturally different children, for example, some groups of Mexican Americans, Spanish Americans, ghetto-blacks or American-Indians, come into intense and sustained contact with American schools, the result is almost invariably low academic achievement, high absenteeism, "discipline problems," and early mental and physical dropout.

This obvious failure is rationalized by schoolmen by recourse to the "cultural deprivation theory" or what Murray and Rosalee Wax, two anthropologists, call the "vacuum ideology of education."

The cultural groups in question are seen to fail in school because they are deprived of the experiences and socialization assumed to be common among middle-class children.

Assuming this proposition, the educational establishment remedies the situation with compensatory and/or remedial programs.

The underlying logic is that the child is to be changed to fit the school.

COMPENSATORY EDUCATION PROGRAMS

Programs usually entail no substantial changes in the formal or informal curriculums or objectives, but rather are intensified and concentrated efforts to accomplish what the regular school program has already failed to do.

The bulk of Federal moneys to public education have supported such programs and, I must add, implicitly supported the questionable assumption that the poor and the "foreign" are "culturally deprived."

In supporting these programs and their underlying rationale, Federal efforts have generally supported the school status quo rather than encouraging significant school reform. Unfortunately, the cycle continues; poverty and cultural difference lead to school failure which leads to "foreigness" and poverty.

It is a vicious cycle. The school is not usually successful in modifying the learner's culture or language, nor in bringing the child into more full and equal participation in American society.

Unfortunately, educators continue to find plausible and sufficient explanations for school failure in either the "peculiar psychological" or "peculiar cultural" makeup of the individual or group. Often, social science research has contributed to this kind of explanation.

Too much social science information on the nature of the Mexican American subculture has been used by educators to strengthen their own biases and stereotypes.

While I seriously question the effectiveness of most compensatory and remedial programs, we educators have not adequately studied their long- or short-term outcomes.

All Federal efforts to support such programs must demand careful objective study of both long- and short-range success/failure.

The U.S. Office of Education, or its delegate agencies, must insure careful data collection and provide objective data analysis in order to determine what kind of program reaches its goals, with what kind of children, under what conditions. With detailed analysis, the least effective programs can hopefully be eliminated. And the more effective ones strengthened, prior to the point where they become "institutionally ingested."

Many programs, such as Headstart, are becoming part and parcel of the regular school program. This "ingestion" causes them to lose their experimental aura and perhaps much of their benefit both to the children and to the school.

SENSITIVE AND HUMANE SCHOOLS

I argue that there is nothing "deprived" or "disadvantaged" about Mexican Americans, rather, than Mexican American children are both "good and sufficient" and that school and society have failed them.

Instead of attributing the problem to the children and the culturally different groups from which they spring, I feel school and society are principally to blame for the low achievement and high dropout rate.

As we all know, it is very difficult to change society; however, the school can change. Educational programs to condition the child to fit the school have failed and will continue to do so.

The essential approach is to change the school rather than minority group children. the school must:

Adapt to the local cultural milieu, curriculums must reflect the real cultural content, not idealized middle-class culture. Children must learn to cope with the real society, not necessarily acquire idealized middle-class culture and norms—norms that the school imposes.

Eliminate practices that are detrimental to individuals or groups of children. It must substitute positive affirmative practices for present negative ones.

Here we are referring to what Mr. Rodriguez referred to as educational attiudes. These are negative, detrimental factors, and must be substituted with positive ones.

The civil rights and civil liberties of children, particularly minority children, must supersede other considerations.

When you often let civil rights and civil liberties be secondary to what the educational establishment sees as the "needs of the children," I don't think civil liberties and civil rights can be delegated to second-class status.

The school must measure success, children's success, or failure, not against middle-class norms but establish new and flexible yardsticks. The success of a school system is best measured, not on yearly achievement norms, but on the ability of the individual to live in and manipulate the social environment when he leaves the system.

Be encouraged to accept and rationally cope with "consumer feedback" in the form of dropouts, low achievement, "discipline problems," vociferous demands, and campus disturbances. Rather than continue the well-established practice of ascribing such behavior to the inadequacies of the student, the school must see these circumstances as reflective of unsatisfactory formal and informal curriculums.

The kinds of school changes needed are easy to detail and enumerate; they may be well-nigh impossible to accomplish. However, it is my opinion that Federal moneys can best be spent in efforts toward institutional self-study and self-change rather than particular specifics such as remedial reading, a new set of audio-visual gimmicks or field trips to a museum or dairy.

Rather than concentrate on what are called "exemplary programs" or curriculums, new psychometric instruments, new gadgetry, or what-have-you, to cause the Mexican American child to conform to the middle-class expectations of the school, steps must be taken to force the school to objectively examine itself in light of the community it serves.

The product of this self-study hopefully will be radical institutional change. So far, Federal support to education has tended to

abet the maintenance of the school status quo rather than encouraging substantial institutional change.

I would argue that there is no one program or curriculum that will save the day for the Mexican American. There is no one Mexican American, no one school, and no one Southwestern community.

Only through encouraging self-study and the development of total approaches to cope with the Mexican American "failure" in school is their real hope of improvement. We must stop treating symptoms. We must reconsider specific remedies and look to the total picture and the total school-community social climate.

The big question is how to encourage school self-study and self-change.

Federally supported centers, perhaps similar to the Regional Service Centers, could, if properly staffed, aid school districts to undertake self-study and to propose radical changes.

Modifications might conceivably include any number of things. For example, modifications might include; bilingual and bicultural organization, parent committees to provide what I call "political" support for Mexican American children, financial assistance for students, token or real economic rewards for school excellence, human relations training for staff and students, changing in teaching styles, the elimination of tracking, more parent involvement, group counseling, attempts at integration rather than sterile and perhaps personally damaging desegregation, changes in curriculum, student involvement, proportional representation on school boards, and an inconceivable number of additional possibilities.

I assume that institutional change will come about best by giving constructive assistance to those districts desirous of studying and modifying themselves.

Such school interest must be aided and comprehensive institutional reorganization and modification must be financially rewarded.

In my opinion, present efforts at school change or institutional modification imply a series of very questionable assumptions.

One of these assumptions is that specific programs that seem logical or are demonstrated to work in one local will do so in another.

TEACHER TRAINING

Second, they imply the assumption that teacher preparation institutions can produce "change agents"—this is the point Mr. Rodriguez has been arguing for, and I agree.

But my point is can a teacher preparation institution produce a change agent that the school district will hire and, if hired, will the school district permit them to make any substantial changes?

Another assumption is that the findings of studies from unknown school districts have transfer value to a specific school.

Another questionable assumption is that parent involvement in an advisory capacity is influential in causing change.

Another is that the preparation of administrators as "change agents" (such as the USOE-FORD projects), will result in these individuals being either accepted or influential within a highly formalized school bureaucracy.

In summary, the assumption that schoolmen react and implement change due to rational intellectual persuasion is open to serious question.

The term aiding a system in its self-study and change must investigate all aspects of the learner-teacher, learner-learner, learner-society and school-community relationships. No piecemeal approach will suffice. Substantial financial reward must be forthcoming, or some other form of reward must be forthcoming, for those that take an integrated approach toward institutional change.

SCHOOLS AND SOCIAL POLICY

The school does not change society. Rather, it reflects and is functionally integrated with it. This is perhaps the school's greatest problem. The school, acting alone, cannot eliminate discrimination, it cannot make more jobs available, it cannot, by itself, defeat racism.

However, it can eliminate bias, discrimination and racism from within its own institutional walls.

While the school does not change society, it can capitalize on the social situation. For example, in that there is less discrimination against Mexican Americans in higher status occupations requiring advanced preparation, Federal aid might best encourage poor Mexican Americans to acquire this preparation by providing financial grants, such as the GI bill, to all the poor or to all the population on some sliding scale based on ability of the parents to pay.

Likewise, in areas of extreme discrimination and "economic underdevelopment"—and here I automatically think of the Lower Rio Grande Valley of Texas—federally supported counseling and relocation centers might encourage the subordinate Mexican American population to migrate to other geographic areas where more opportunity and less discrimination exists.

Undoubtedly, the political ramifications of both, especially the latter suggestion, would be extreme.

To aid Mexican American youth, we must study the school as a social institution and study, as Mr. Rodriguez suggests, the institutional attitudes, what I would call the social climate of the institution.

LANGUAGE AND CULTURE

Then we must study ways to cause it to more realistically adapt itself to the reality of this Nation, in this time, and to the culturally different.

The Mexican American does poorly in school not because he is deprived. Rather, because the school fails to make an intelligent adjustment to his culture, language and economic situation.

The school will continue to fail this and other segments of American youth, as well as society in general, unless efforts are directed toward serious institutional study and modification.

The Federal Government must provide support and reward to this end.

I apologize for the shortness of the statement. However, I think it does tend to capsulate my basic approach, which is let's stop

characterizing the child, let's stop worrying about his disadvantagement and his cultural difference, and let's start talking in terms of changing the institution.

Thank you.

(The document is in the committee files.)

(The statement of Dr. Thomas P. Carter follows:)

PREPARED STATEMENT OF DR. THOMAS P. CARTER

Mr. Chairman: I regret that I have had neither the time nor facilities at my disposal to prepare the more lengthy and specific statement you requested. However, in addition to my previous statement from my book, I have prepared a few remarks I would like to read.

The Mexican American faces all manner of well documented problems within Southwestern society and to a growing extent in other sections of the nation. While Anglos stereotype him in numerous and prejudicial ways, a social scientist can only categorically state that the Mexican American: *tends* to speak Spanish, *tends* to profess Roman Catholicism, *tends* to be poor, *tends* to do poorly in school, and *tends* to suffer overt, though often subtle, discrimination.

As a social scientist I have been concerned with attempting to understand or explain the extremely low Mexican American rates of achievement and the exceedingly high attrition (drop-out push-out) rates. In my search for explanation I have come to categorically reject the stereotypic, "cultural" explanation and the "theory" of cultural disadvantagement or deprivation that supports it. As an educator I have been concerned with steps taken or proposed by schools to overcome low academic achievement and high attrition rates. As I reject the simplistic cultural deprivation explanation, I likewise question the almost universal assumption that traditional compensatory and/or remedial education will improve the situation.

As I mentioned in my longer statement, three avenues of federal intervention are open to aid Mexican American youth. They are to provide support and incentive to: 1) the school in its efforts to modify the Mexican American child and his home environment in order to help the Mexican American meet the expectations of the present school, 2) change the school to cause it to adjust to the societies and cultures it serves, and 3) change society. Let me briefly touch upon each and make some additional suggestions for action.

Generally speaking, wherever large relatively homogeneous and socially isolated groups of culturally different children, for example some groups of Mexican Americans, Spanish Americans, ghetto blacks, or American Indians, come into intense and sustained contact with schools the result is almost invariably low academic achievement, high absenteeism, "discipline problems," and early mental and physical drop-out. This obvious failure is rationalized by schoolmen by recourse to the "cultural deprivation theory," or what has been called the "vacuum ideology of education." The cultural groups in question are seen to fail in school because they are deprived of the experiences and socialization *assumed* to be common among middle class children. Assuming this proposition the educational establishment remedies the situation with compensatory and remedial programs. The underlying logic is that the child is to be changed to fit the school. Programs usually entail no substantial changes in the formal or informal curriculums or objectives but rather are intensified and concentrated efforts to accomplish what the regular school program failed to do. The bulk of federal monies to public education have supported such programs and, I must add, implicitly supported the questionable assumption that the poor and the "foreign" are "culturally deprived." In supporting these programs and their underlying rationale federal efforts have generally supported the school *status quo* rather than encouraging significant school reform. Unfortunately, the cycle continues, *poverty and cultural difference lead to school failure which leads to "foreigness" and poverty.* The school is not usually successful in modifying the learner's culture or language, nor in bringing the child into more full and equal participation in American society.

Unfortunately educators continue to find plausable and sufficient explanations for school failure in either the "peculiar psychological" or "peculiar

cultural" makeup of the individual or group. Often social science research has contributed to this kind of explanation. Too much social science information on the nature of the Mexican American sub-culture has been used by educators to strengthen their own biases and stereotypes.

While I seriously question the effectiveness of most compensatory and remedial programs we have not adequately studied their long or short term outcomes. All federal efforts to support such programs must demand careful objective study of both long and short range success/failure. The U.S.O.E., or its delegate agencies, must insure careful data collection and provide objective data analysis in order to determine what kind of program reaches its goals, with what kind of children, under what conditions. With detailed analysis the least effective programs can hopefully be eliminated prior to the point of "institutional ingestion." Many programs such as Head Start are becoming part and parcel of the regular school program. This "ingestion" causes them to lose their experimental aura and perhaps much of their benefit both to the children and to the school.

I argue that there is nothing "deprived or disadvantaged" about Mexican Americans, rather that Mexican American children are both "good and sufficient" and that school and society have failed them. Instead of attributing the problem to the children and the culturally different groups from which they spring, I feel school and society are principally to blame. As we all know it is very difficult to change society; however, the school can change. Educational programs to *condition the child to fit the school* have failed and will continue to do so. The essential approach is to change the school rather than minority group children. The school must:

Adapt to the local cultural milieu, curriculums must reflect the real cultural content not idealized middle class culture. Children must learn to cope with the real society not necessarily acquire idealized middle class culture and norms.

Eliminate practices that are detrimental to individuals or groups of children. It must substitute positive affirmative practices for present negative ones. The civil rights and civil liberties of children must supersede other considerations.

Measure success not against middle class norms but establish new and flexible yardsticks. The success of a school system is best measured, not on yearly achievement norms, but on the ability of the individual to live in and manipulate the social environment when he leaves the system.

Be encouraged to accept and rationally cope with "consumer feedback" in the form of dropouts, low achievement, "discipline problems," vociferous demands, and campus disturbances. Rather than continue the well-established practice of ascribing such behavior to the inadequacies of the student, the school must see these circumstances as reflective of unsatisfactory formal and informal curriculums.

The kinds of school changes needed are easy to detail and enumerate; they may be well-nigh impossible to accomplish. However it is my opinion that federal monies can best be spent in efforts toward institutional self-study and self-change rather than particular specifics such as remedial reading, a new set of audiovisual gimmicks or field trips to a museum or dairy. Rather than concentrate on "exemplenary programs" or curriculums, new psychometric instruments, new gadgetry, "innovative scheduling" or what have you, to cause the Mexican American child to conform to the middle class expectations of the school, steps must be taken to: force the school to objectively examine itself in light of the community it serves. The product of this self-study hopefully will be radical institutional change. So far federal support in education has abetted the maintenance of the school status quo rather than encouraging institutional change. There is no one program or curriculum that will save the day for the Mexican American. There is no *one* Mexican American—nor *one* school—nor *one* S.W. community.

Only through encouraging self study and the development of total approaches to cope with the Mexican American "failure" in school is their real hope of improvement. We must stop treating symptoms, we must reconsider specific remedies and look to the total picture and the total school-community social climate. The big question is how to encourage school self-study and adaptation.

Federally supported centers, perhaps similar to the present regional service centers, could if properly staffed aid districts to undertake self-study and to

propose radical changes. Modifications might conceivably include: bilingual organization, parent committees to provide "political" support for Mexican American children, financial assistance for students, token or real economic reward for school excellence, human relations training for staff and changes in teaching style, the elimination of "tracking," more parent involvement, group counseling, attempts at integration rather than sterile (and perhaps personally damaging) desegregation, changes in curriculum, student involvement, proportional representation on school boards and an inconceivable number of additional possibilities. I assume that institutional change will come about best by giving constructive assistance to those districts desirous of studying themselves. Such school interest must be aided and comprehensive institutional reorganization and modification must be financially rewarded for their efforts. Present efforts at school change imply a series of questionable assumptions: 1) that specific programs that seem logical or are demonstrated to work in one locale will do so in another, 2) that teacher preparation institutions can produce "change agents" and that school districts will hire them and permit them to make substantial changes, 3) that findings of studies from unknown schools have transfer value to a specific school, 4) that parent involvement in an advisory capacity is influential in causing change, 5) that the preparation of administrators as change agents (USOE-FORD projects) will result in these individuals being either accepted or influential within a school bureaucracy, and 6) in summary, that schoolmen react and implement change due to rational intellectual persuasion rather than the manipulation of power. The team aiding a system in its self study and change must investigate *all* aspects of the learner-teacher, learner-learner, learner-society and school-community relationships. No piecemeal approach will suffice. Substantial financial reward must be forthcoming for those that take an integrated approach toward institutional change.

The school does not change society, rather it reflects and is integrated with it. The school acting alone cannot eliminate discrimination, make more jobs, defeat racism. However it can eliminate bias, discrimination and racism from within its walls. While the school does not change society it can capitalize on the social situation. In that there is less discrimination against Mexican American in higher status occupations requiring advanced preparation, federal aid might best encourage poor Mexican Americans to acquire this preparation by providing financial grants (like the G.I. Bill) to all poor or to all on some sliding scale based on ability to pay. Likewise, in areas of extreme discrimination and "economic underdevelopment" (for example the lower Rio Grande Valley of Texas), federally supported counseling and relocation centers might encourage the subordinate population to migrate to other geographic areas. Undoubtedly the political ramifications of both, especially the latter, suggestions would be extreme.

To aid Mexican American youth we must study the school as a social institution and study ways to cause it to more realistically adopt itself to the reality of the culturally different. The Mexican American does poorly in school not because he is "deprived," rather because the school fails to make any intelligent adjustment to his culture, language, and economic situation. The school will continue to fail this and other segments of youth, as well as society in general, unless efforts are directed toward serious institutional study and modification. The federal government must provide support and reward to this end. Thank you.

MEXICAN AMERICANS: EDUCATIONAL DEPRIVATION

Senator MONDALE. Would one of you, or both of you, define or describe the extent to which, for whatever reason or reasons, the school systems of this country are failing the Mexican American child?

What I am driving at is a hard description of damage in terms of the number of dropouts or push-outs, the degree of underachievement, the numbers of Chicano students in higher educational institutions, or in terms of any standard you chose.

I think, Mr. Rodriguez, you have sat through some of these hearings. There have been some pretty severe indictments. I think yes-

terday one of the witnesses estimated that 80 percent of the Mexican American children in his area of Texas can be expected to have been pushed out or have dropped out by the sixth grade.

Mr. RODRIGUEZ. Senator, as you well know, our educational system has been a system that was established to sift out, to reject people, to exclude people, especially people who did not fit the educational mold. About 1954, there was a Supreme Court ruling saying that equal educational opportunities shall now be provided for everybody. But we are asking an institution that was created to exclude to now become including without changing the system.

There is no possible way for the educational system of our country today that was designed to exclude those who didn't fit the mold, without changing it, to now become an including institution. There is no way it can be done.

Therefore, Mexican Americans cannot fit the Anglo mold. Therefore, the 80 percent will be a reality until the institution, as Dr. Carter indicated, recognizes that it is disadvantaged for these children and begin to change so that it includes them rather than excluding them.

At that point, it will begin to diminish the dropouts.

Senator MONDALE. I am trying briefly to measure the extent to which Mexican-American children are suffering from the system, whatever its definition, before investigating the specific aspects of that system.

Would you say that the 80-percent figure that we heard yesterday is an exaggeration?

Mr. RODRIGUEZ. I would base it on Dr. Carter's research done in the Lower Rio Grande Valley of Texas, where they indicated that something like 79 percent of these students that went into school drop out before high school, before they terminate high school.

Senator MONDALE. We heard alarming testimony that possibly 20 percent of the kids never even set a foot in a school, so they don't show up in any official statistic.

Is that a fair estimate?

Mr. CARTER. I am very hesitant, Senator, to give you specific statistics. From the census of 1960, we know that at no age level is the proportion of Mexican American children enrolled in school equal to the Anglo percentage enrolled.

Senator MONDALE. Would you say that?

Mr. CARTER. Let us say at age 5 to 6. Ninety-nine percent of Anglo children are in the schools. Let us say 96 percent of the Mexican American children are in school. At no age category do we get proportional representation of the Mexican American.

I think one of the confusing things here is that the Southwest we think of in one term, or we see it as one place. But it isn't one place. Parts of Texas are as dissimilar to parts of Los Angeles as Peru is to Germany.

I would suggest that the part of the five States that is the worst off educationally, and socioeconomically, is the Lower Rio Grande Valley of Texas. Northern New Mexico is also bad.

So the statistic for northern New Mexico or southern Texas might be 20 percent, but it may not be 20 percent in Los Angeles. The variation is fantastic.

Mr. RODRIGUEZ. And also, what does a dropout mean? Each of the communities have their own definition of what a dropout is. I suspect that the children that we read about in Clifton, Ariz., who were dropped out of school or asked not to attend the school because they failed to pass certain courses, and they said they were excluded from school, would not be considered a dropout.

These were children who had terminated their educational program to the limits of their capability. Therefore, these children would not be considered dropouts in the statistics. But, in essence, they are dropouts because they are not attending school when they are 15, 16, or 17 years of age.

Mr. CARTER. From a social science point of view, this is almost impossible to deal with because everybody defines it differently.

I think if you want to talk of the children that should start school or do start school, those that don't finish we can consider as the loss.

I would like to state this, or phrase this not as failing Mexican American children, but this as the school failing American society.

These people are essentially unemployable people within 10 years.

Senator MONDALE. Has anybody ever tried to calculate the cost to American society just in economic terms of this tremendous wastage of human talent?

Mr. RODRIGUEZ. I have seen a number of statistics done in various communities, especially by welfare agencies, as to the cost to the local, State, and Federal Government for providing services to them because they are unemployable, because of the lack of education.

Each community, of course, has a different measuring system. It is many times more expensive to allow people to leave school early because of the amount of support that has to be provided to them, later.

Mr. CARTER. This may be one of the best points of leverage that a community can use if they will go to the trouble of estimating the actual cost in dollars and loss of purchasing power, increased police protection, welfare costs, even such things as increased insurance rates on a building next to a ghetto.

Senator MONDALE. What about how much it costs businesses to train people who have been failed by the schools and lack the basic skills to do jobs? I am told that the telephone company in New York spends a great deal of time and money trying to train young people to do even the work which has to be done in their system. Their expense and efforts are increased by the fact that they have to start over with many of them. They spend millions and millions of dollars.

In any event, there has been no overall study of the economics of educational inequities?

Mr. RODRIGUEZ. The loss of support for our public school system is indicated by a continuing failure of tax overrides and local school bond issues.

It is simply that the people have lost faith, including the business world, because the end product has not been in proportion to the amount of money put into it.

I think this is what we are talking about. I think we are putting money into public education institutions that are not being responsible for what they are supposed to be doing.

SENSITIVE AND HUMANE SCHOOLS

Senator MONDALE. Both of you seem to have a common point. You emphasize attitudes.

Dr. CARTER. I think you are seeking restructuring of our schools so that they will be responsive and sensitive to the cutural linguistic and sensitivity needs of Mexican American children.

In effect, the schools should do for the Mexican American children what they traditionally have done for the white middle class, which has controlled the school systems. I think that is what you are saying.

Mr. CARTER. More or less.

There is a point here that I wanted to comment upon. Mr. Rodriguez was talking about how schools function to exclude rather than to include.

There is no question that this is what they do. This is their social function, the screening device to allocate people to different slots in society, the ditch digger slot or the Ph. D. or M.D. slot. But one of the real problems of schools is that they subscribe to the opposite belief. They subscribe to the myth that the school includes and that it is the way up the social ladder.

So we have a real problem, first, in making them recognize that, indeed, they are functioning to exclude and to sort and sieve people in improper and perhaps unconstitutional ways. But that is a big hurdle.

COMMUNITY CONTROL

Senator MONDALE. Most Mexican American parents are not under any illusions about the way the school systems operate, are they?

Mr. RODRIGUEZ. By and large, they have been a mystery to most people, including Anglos. Schools have not been a participant in the community function.

Senator MONDALE. My personal opinion is that there has always been community control by the middle-class white over the neighborhood school. I don't care what the organizational chart shows you.

And you can be sure that when some middle-class mother believes that her child is being mistreated, she is on that school system like a blanket, until they get it straightened out. They better take care of Johnny or there is trouble.

I think one of the problems is that this form of individual pressure and protest apparenty doesn't work as well with Mexican Americans, with their needs. In some places there is outright hostile discrimination, let alone unresponsiveness.

Are there any school systems that you could point to in this country where you believe that, at least on the local level, the school administrators, faculty and the rest, are responsive to these language, cultural and other sensitivity needs of the Mexican American students?

Mr. CARTER. I think Mr. Rodriguez could probably better answer that.

Mr. RODRIGUEZ. It ran through my mind as you asked that question of do I really know a system that will admit to this. I suspect that there are systems that do this very well. I have often heard school administrators say, "Well, we get 99 percent of our parents coming to the PTA," or whatever organization they have.

I imagine they are functioning well where the parents are coming there to raise Cain. But they do have communication with the community.

I don't see many school systems, and I don't see much information being provided, that alludes to this as a positive factor. I think that those who do it keep it under wraps because they are going to be criticized by their colleagues.

I really don't see this being brought out as, "Look, we are doing a great job with our community, we are really involved with the community." I don't see that as being a thing that is being promoted in this country, in education.

COMMUNITY CONTROL: LANGUAGE AND CULTURE

Senator MONDALE. We had Dr. Cardenas, the superintendent of a school district in San Antonio, testify before this Committee.

That system, as I understand it, in addition to being run by Mexican Americans, is overseen by an all-Mexican school board, which is elected. It has substantial bilingual and black cultural education programs. While I am not personally familiar with that particular system, I have no doubt about the commitment of Dr. Cardenas and others to be objective, such as the two of you are in addressing yourselves to these questions this morning.

Is that school district an example of where we should be going?

Mr. RODRIGUEZ. I think Dr. Cardenas is moving in the right direction. He has the talent to do this, and he has the dedication of his staff to do this.

However, he is in such a financial strait in the district that the things we want done can't be done there.

Senator MONDALE. That is why I take Dr. Carter's testimony to be directed primarily to the need for control, the need to assure that school systems are responsive and sensitive to the language, the culture, the pride, and the needs of Mexican Americans, the need for the sort of system which I believe you have in Anglo. My impression is that system exemplifies the commitment of leadership.

When I talk to people there, they don't mention problems of sensitivity and control. They talk about going broke. They don't have any money to do anything.

Mr. RODRIGUEZ. Survival is their problem.

Senator MONDALE. So, isn't it a problem not only of responsiveness but also of the allocation of sufficient resources to do the job combined with the problem of achieving the objective of quality integration where that is possible? Would the two of you respond to that?

Mr. CARTER. I would like to give some other examples of systems that I think have been responsive. Some of them I haven't visited lately so I don't know what the situation is at the moment.

I want to straighten one thing out. I am not advocating any specific program. I can think of areas in the southwest where a bilingual organization may not be appropriate, and something else may be appropriate.

People may disagree with me on this, of course.

There are two schools that I think of in terms of making some real interesting adaptations. One of them is United Consolidated in Laredo, Tex.

Senator MONDALE. Is that a high school?

Mr. CARTER. It is a unified district. It includes all levels. They went to the point of saying, "Look, our system is failing the Mexican American kid who represents 5 percent or more of our students. What can we do about it?" This was 5 or 6 years ago.

They got into a self-generating feeling about it and developed some programs. It is one of the few places where you get a sense that they are adapting, they are looking. They are not saying, "I have a panacea."

They are saying, "Well, this may work, and if it doesn't, we will throw it out and try something else."

The other is an interesting experiment which has nothing to do with Mexican Americans. That is the Rough Rock Indian school at Rough Rock, Ariz., a Bureau of Indian Affairs school. OEO gave them a grant doubling their normal budget, and they moved ahead into some interesting bicultural approaches.

Senator MONDALE. The reason I make these comments is that for two years I served on the Indian Education Subcommittee, which is now defunct. We encountered precisely the same cultural, sensitivity and, in many cases, language problems.

If you want to see a rigid system, the BIA is the granddaddy of them all. There are very few Indian teachers. They always say, "Why can't it be more like Rough Rock?" There they had not only bilingual and bicultural native teachers, but they had a lot of money, about $220 or $240 per kid. That is pretty good for starters.

Mr. CARTER. Money, per se, is not going to do it. It can be used like in Edgewood, or any other poor district in Texas, who would say, "I can't do it because I lack money."

There are a lot of things they can't do without money, that is for sure. But there are a lot of things they can do without it. I don't think money, per se, is any kind of a panacea. What I am suggesting is we have to use the reward of money to cause school districts to do what I assume Jose Cardenas is doing in Edgewood, or what happened in Laredo, at the United Consolidated.

I am suggesting that you don't just copy a program and call that any kind of improvement. San Antonio has had a so-called bilingual program coming out of the University of Texas at Austin, and the southwest lab, for something like 5 years.

This program has been exported to, I believe, New York City. Now I understand that Dade County is exporting theirs someplace else. I am not sure this will work someplace else. I am not sure it was the program, itself, that caused it to work. Maybe it was the excitement of the people, the staff being freed to adjust to a situation that worked.

I am very concerned that we are merely exporting new kinds of programs that may or may not work in a given place.

Mr. RODRIGUEZ. I think that if the community really is given the opportunity to participate in the development of their own educational destiny or redevelop that learned from others we would see some good programs. You don't just transfer a program from one place to another and say it is going to work, because it isn't.

There is no program that I know of, educational program, that can be transferred from one place to another place, in totality, and be expected to work.

I think we can transport ideas and processes, and even materials to be redeveloped for each of their own constituents, and come up with a program that is applicable to that community.

I think at that point you can develop the type of programs that people will have faith in, will support, and will work with.

COMMUNITY CONTROL: SCHOOL NEEDS

Senator MONDALE. Suppose with all of our Federal aid programs, bilingual, title I; migratory education, title II, we require that there be a duly elected local school advisory board, selected from the entire population, the Mexican American relations in this case, and it would be like the National Labor Relations Board, where the school board would have to negotiate in good faith. The law would try to achieve that.

Would that be a major, helpful improvement, in your opinion?

Mr. CARTER. As long as the board is purely advisory, I am not very excited about it. The whole thing is a matter of sharing power. Bureaucracies don't particularly like to share power with people who aren't members of that bureaucracy. It is very threatening to them.

My opinion is that most advisory boards do not represent the people they serve, but that the members of that board are handpicked spokesmen, if you will, Uncle Toms, of the group. This is not universal.

So what they have done is look for brown and black faces and maybe a liberal white face and put them on a board.

Senator MONDALE. Then, what do you do in a community where there is hostility toward Mexican American concepts of leadership, hostility toward bilingual education, and it is a majority whites are in the majority.

How can you have a Federal program or some other program that would hold for a minority Chicano community any hope of political power?

Mr. CARTER. I would naively state that these could be written into the guidelines, that there would be set procedures for choosing them.

Senator MONDALE. Proportional representation, do you mean?

Mr. CARTER. Let me make a point about that. Most school boards, and I am not speaking of advisory boards, do not have proportional representation. They have a slot that is filled.

I think a move that might help the whole educational system is to move towards a selection of board members on the basis of wards or geographic districts or areas within a city.

What happens in the Southwest, particularly, in Texas, there is a seven-man school board and it is traditional in the bigger dis-

tricts to have one Mexican American. This Mexican American is usually handpicked. The establishment thinks he represents the community and he has so far been so removed from the community that he has no relationship with it. But he does have a Spanish surname. This doesn't do anything. It reconfirms the highly conservative nature of the board.

I think we have to set up procedures that guarantee, one, the sharing of power, not only the offering of advice. Advice is not power. There should be a sharing of power with the community, and we have to eliminate anything that is set up by a local district that is self-perpetuating of the conservative elements of the community, and is then forced or must be forced to represent at least geographic areas within that community.

It seems to me this is the one-man, one-vote principle that has never been applied, to my knowledge, on the school level. It is very difficult. You are dealing with the self-perpetuating institution, and they are not just about willing to let John Jones or Jose Garcia share in their decisions. It is threatening to them.

Mr. RODRIGUEZ. I suspect if you took a sociometric sample of your school boards, you would find almost every school board has a public service member in there, public utilities person. You always have one from the large industry in that community.

Then they get other types of representation that reflect somewhat the community as they see it. The idea of promoting the concept of representation on boards of the people to be served.

Why shouldn't parents be involved in determining the destiny of their children, and not just because they happen to have a business in that community?

I think business ought to be represented because they are part of that community and they help support schools. But I think it is more important for us to have on school boards representatives of the target population.

Senator MONDALE. One of the things we are trying to do in this committee probably can't be done. We are trying to develop, among other things, a political strategy that has some hope of improving the opportunity of the children of this country.

To be perfectly frank about it, I think that elected school boards are such that it would be almost impossible for Federal legislation to be adopted, even if it were desired, to require proportional representation, to require election on the basis of wards.

Thus, I was wondering if there was some other strategy which would assure that the Mexican American community become meaningfully involved in the development of plans for the use of Federal moneys.

This is what we are trying to do now in Indian education with Johnson-O'Malley money. It used to go just to the school boards and Indians wouldn't even know what happened to it. In most cases, it wouldn't be spent for them.

But if they had some control over that money, the school board, in order to get it, would have to exhibit cultural responsibility, develop language programs, and the rest.

I realize that is not as good as controlling the school board. However, it is a way of trying to assure that there is community input on

the use of money that is supposedly being directed there for their purposes.

Mr. CARTER. I suppose it would be possible where the instigating group, the one that applies for the money, is the community, itself.

Senator MONDALE. Another thing we have been talking about is the possibility of developing just this approach. A lot of people have no idea how title I funds granted to their community are spent. They request this information from school officials and are denied access to it. Thus, they have no way of participating. There are no hearings, there are no review procedures. There are not even investigatory proceedings. People don't know what is happening to the money.

I saw an all-white swimming pool down South recently built with title I money being enjoyed only by whites. I doubt that the black community would have voted for that pool. This sort of thing is going on.

The local community is being frozen out of any opportunity to participate in a meaningful sense. Power is really what you are talking about.

But I think it would be helpful if we could fashion a strategy for full disclosure, community participation, public hearings, and maybe even the right to appeal to a Federal agency about these programs.

The other observation I would like to make concerns the possibility of constitutional violations in a lot of these cases. This question brings us to the subject of what I would like to see done with the President's Emergency School Assistance Act. I would like to see $100 million or $200 million setaside for private attorneys to bring lawsuits. For example, on your idea about ward selections, I am told that in Boston there is a lawsuit being brought by the black community asking that there be ward assistance in the selection of the school board. Otherwise, they will not ever have a member on the school board. Maybe that approach should be tried in other places.

Is it constitutional? Is it constitutional in 1970 to take a class of Mexican Americans who can't speak English and teach them in English? Is there a constitutional violation? I don't know.

But it certainly offends my concept of fairness when a child can't understand what the teacher is talking about.

Mr. CARTER. It may not be unconstitutional, but it is certainly illogical.

Mr. RODRIGUEZ. If you are denying equal educational opportunities then it could be unconstitutional.

Senator MONDALE. I think some of these things should be tested in the courts. Let us find out what the ground rules are. Fifteen years ago, no one thought of the one-man, one-vote principle, but it's there now because the more the court looked at it the more convinced they became that you simply couldn't have equal protection under the laws unless you had an equally significant vote.

For example, there is a lawsuit being pressed in Detroit under the 14th amendment which seeks a more equitable distribution of State resources throughout school districts in the State. They are suing on the grounds that the suburbs spend three times as much money for education, per pupil, as does the central city of Detroit.

These are the types of lawsuits being brought by various groups in an attempt to see what the legal rights might be.

In other words, what I am talking about now is legal power, the power and resources to assert a lawsuit, which in many places can't be done. The whole Mexican American Legal Defense Fund has six lawyers.

Mr. RODRIGUEZ. One lawyer per million.

Senator MONDALE. So that is the community involvement or community control strategy.

EDUCATION FOR STABLE INTEGRATION: SENSITIVE AND HUMANE SCHOOLS

What about the possibilities for improved education stemming from quality integration? What emphasis do you place on the goal of integration? What are the problems?

Mr. CARTER. I separate desegregation from integration. There are two concepts. I think some of the earlier testimony, months ago, in this hearing, brought out, at least on TV it looked like it had, that desegregation, in itself, may cause all kinds of traumatic emotional problems for any number of people.

I am arguing that the mere fact of desegregation, which I would advocate, is only one step. The next step is integration within the system so that everyone is guaranteed equal opportunity within the system. To desegregate a brown and white high school, mixing them, and you end up with the Mexican American kids always in the lower track, is perhaps a more insidious kind of segregation than having them separate.

So desegregation is the first move. The next move is internal integration. This involves human relation training, it involves any number of factors, examination of the tracking devices or the internal sorting devices, all numbers of factors.

Here we are dealing in terms of a desegregated system and here is where money must go to help them do this. We have done this. There is an institution called TEDTAC—Texas Educational Desegregation Technical Assistance Center—that is doing a bangup job in helping with the human relations aspect of desegregation.

Senator MONDALE. Is that title IV?

Mr. CARTER. Yes. An invitation for this group to participate must come from the school districts and they are not asking.

Senator MONDALE. They can't come unless the school district wants them.

In Uvalde, as I understand it, the title IV officer arrived and they had one meeting. When the school board found out what they really wanted, they told him never to come back again.

Mr. CARTER. This is happening in El Paso. TEDTAC has been trying to get into El Paso for years, 2 years, at any rate, with no results.

INTEGRATION VERSUS COMPENSATION

Senator MONDALE. You are aware of Dr. Coleman's arguments, and others, and the President even recognized this fact in one of his speeches, that all of the best evidence we have indicates that children learn more from each other than they do from the system, and that the best thing we can do for the disadvantaged child is to permit him to attend a school in which a majority of the other chil-

dren are advantaged. I know you don't like the designations advantaged and disadvantaged.

In other words, if you really want educational opportunity you have to take a look at that classroom and see socially and economically what the mix is.

In a stable, middle-class school, the children achieve better than if they were in a lower class school, economically. As a matter of fact, Dr. Cardenas said that in the gold-plated, compensatory school programs, the children achieved less than in less well-funded but desegregated classes elsewhere.

I don't know if that is correct, but there apparently is some study in Texas to that effect.

Mr. RODRIGUEZ. He did the study when he was with the Southwest Educational Development Laboratory, where he found that the isolated or segregated migrant program schools had the children learning less than the children who attended the integrated school.

We really need to focus on what happens in the classroom because if the school isn't worth walking to, it isn't worth riding a bus or a burro to.

DESEGREGATION IN RIVERSIDE: COMMUNITY ACCEPTANCE

What happens in that classroom between the teacher and student is important.

Both Dr. Carter and I were involved in the desegregation of schools in Riverside, Calif., 5-years ago.

Senator MONDALE. Tell me about that.

Mr. RODRIGUEZ. I was the title IV person working for the State department of education that did the manipulating of the community and the schools to get them together to do their thing towards desegregating the schools.

Fortunately, I had Dr. Carter and other people there to assist us. We found that there was such a rush to get people mixed together that we almost lost the whole ball game because we really were not preparing the teachers nor students, nor the parents, nor the classroom, nor the materials, to deal with each other.

Fortunately, the school was very responsive and we got a lot of assistance from the university and other people that pulled the thing together, and began to do some in-service training, talking to parents, to do some house-to-house knocking on doors, in discussion groups, in meetings.

This went on and on in order to bridge that gap that was there. It was a reaction to a crisis that brought this movement so fast that really people never had the time needed to prepare for the desegregation of the schools.

Senator MONDALE. What sorts of things did you do? You went door-to-door and talked to the parents?

Mr. RODRIGUEZ. Went door-to-door to talk to the parents.

Senator MONDALE. In the Mexican American community?

Mr. RODRIGUEZ. Yes.

Senator MONDALE. Why did you have to do that?

Mr. RODRIGUEZ. First of all, the cause of desegregation of the schools was a long, drawn-out thing primarily started by the black community in Riverside.

It culminated by the burning of the Lowell school, at which time the district said, "We better do something about it." They had to desegregate the Lowell school because it burned down.

Senator MONDALE. That seemed to bring it to a head.

Mr. RODRIGUEZ. That seemed to move things fast. Then following that, they said, "If we are going to desegregate the school, we are going to have to desegregate Emerson school, and Lowell school, and we also have to desegregate Casablanca," which is the Mexican American school.

Senator MONDALE. Was there only one Mexican American school?

Mr. RODRIGUEZ. No. This was the only one with almost 100 percent Mexican American school population. The other schools had 40 or 60 percent, but this was the only one that was almost 100 percent.

It is in an isolated community, an area that is pretty isolated from the rest of the community. It was there that people said, "No, we are not going to do it," and the other half would say, "Yes, we are going to do it."

So you had to go in and say, "What are the pros and cons?" and go in and talk to the people and let them decide what they were going to do.

However, giving them all the benefits that were possible. First of all, we gave the parents a lot of information that came from the school in terms of the achievement of children, the social problems of children from that school, and we were able to point out that the school was really not functioning adequately for the children.

When they began to see the potentials of improving the educational goal for the children, they said, "Ok, we buy that." And then we almost let them down by not preparing the school that they were going to for the arrival of these children. We had to not only convince but instruct the parents in terms of the potential benefit for their children.

Once they understood that, the problem of desegregation became an easy one.

EFFECTS OF INTEGRATION: RIVERSIDE

Senator MONDALE. Have there been any studies about what has happened since integration in Riverside?

Mr. CARTER. When this happened in Riverside, the university, working with the school district, applied for funds, and believe it or not, in those days we got $25,000 with one letter to the Board of Regents of the University of California, an unknown kind of thing, to study the effect. It was a beautiful before-and-after social experience. Studies have been going on on all levels of the effects of desegregation since that time.

One of the more interesting things that came out——

Senator MONDALE. How many years ago was that?

Mr. RODRIGUEZ. 1965.

Mr. CARTER. Social science is notoriously slow, so a lot of the results are still on the computer tape. But they are coming out.

One thing that they found, very interestingly, was that busing was seen by 85 percent of all the three ethnic groups involved as positive.

Senator MONDALE. What is the percentage of minorities? It was about 25 percent, wasn't it?

Mr. CARTER. Total minority would be 25 percent.

Senator MONDALE. So when you got through integrating, roughly on a racial balance, every school was majority white by a substantial margin?

Mr. CARTER. Yes.

Mr. RODRIGUEZ. I think 24 percent was the target, but we agreed that a marginal line of 18 percent in any school would be considered integrated.

Senator MONDALE. Have there been any tests on the achievement levels and the rest?

Mr. CARTER. The most recent one came out 2 or 3 weeks ago. I would question some of its methodology, but that is beside the point.

On the basis of the study, they found that the Mexican American and the black were not doing substantially better and the Anglo was doing the same after desegregation.

Here is my point: I am not sure that any real integration took place after the desegregation. So what may be existent there is that all the chicanos and all the blacks are in the dumbbell section or are differentially treated within a homogeneous room by the teachers and so forth. Or it may be the fact that we just don't have enough information.

This study was based on achievement data of 2-years ago.

Mr. RODRIGUEZ. That is right. We are really dealing with some instruments that you have to discount for the measurement of the achievement of these children. But it is the only thing we have to use.

Therefore, the whole study is not a valid study as far as we are concerned. There are some social indication to show that there has been some real growth in these children, such as school attendance, health improvements.

There have been other issues that are much easier measured than the achievement scores.

Senator MONDALE. I talked to the superintendent of Riverside about a half-year ago when we were debating the Stennis amendment. I had heard about it and I called him. He told me that as regards the so-called affective skills, many of the principals were reporting what they thought was more maturity on the part of all the kids. They seemed to be relating better to each other.

The principals could not put their hands on it, but it seemed that the kids were more mature. He also said he thought the achievement levels, particularly among the brighter minority members, had risen dramatically, and that many of them were at the grade level and above.

He said they tried earlier in the isolated school districts, with all the compensatory assets that they could mount, but nothing had happened to the achievement levels of those kids. He said they couldn't move them.

But in the integrated environment, he thought there was a major difference.

You say these latest test results don't reflect the same conclusions.

Mr. CARTER. This is why I mentioned it. I would seriously question the study and the way it was done. I would like to bring out

the point that the easiest thing to measure is achievement. That is where we have the instruments. They are highly questionable, but at least we have measurements.

Yet, the things that are more important may not be pure achievement. I think what the superintendent was telling you would be supported elsewhere, that the top part of the minority population achievement is going up, while the gross minority achievement may be staying constant.

Senator MONDALE. That is what he was telling me. He was also telling me that there was no evidence of any deterioration in achievement by the whites.

COMMUNITY ACCEPTANCE—BUSING

Mr. CARTER. There is a fascinating story that goes with the Riverside experiment. The first year when they began to bus, there was a lot of trouble on the buses.

Mr. RODRIGUEZ. The first thing was the bus strike.

Mr. CARTER. That was unfortunate.

Senator MONDALE. By the riders or the drivers?

Mr. RODRIGUEZ. When the bus strike occurred, the Anglo parents got carpools and went out and picked up the minority kids and brought them to school.

Mr. CARTER. The other interesting thing was, after the bus strike was settled and the kids were riding the buses, there was noise on the bus and all types of children-type things, and problems in lining up and waiting for the bus.

The minority community, without being asked, began to supervise the buses. They would delegate a parent to wait in line with the kids at the bus stop. They put a parent on the bus. No one asked them to do this.

So once you get parent involvement, in any community, particularly a minority community they are the first ones to jump on and do the things without being asked, where a district that had never made an effort, could not get them to do anything they asked them to do.

Senator MONDALE. He also told me that he didn't believe the community would ever go back to the old system.

Did you say there was some new data that came out?

Mr. CARTER. There is a study of Singer that came out about 3 or 4 weeks ago.

VOLUNTARY MODELS AND EXPERIMENTS—ORANGE COUNTY

Senator MONDALE. Have there been other notable efforts at integration between Mexican American and Anglos?

Mr. RODRIGUEZ. I think the first occurred at Garden Grove in 1946.

Senator MONDALE. Where is that?

Mr. RODRIGUEZ. That is in Orange County. That is right by Disneyland. That had nothing to do with the desegregation of schools.

There was a superintendent by the name of Peters, if I recall, who, on his own, decided to desegregate the schools following a lawsuit where a parent sued the district; because he felt his child was being

denied access to a school, because he was told the child had to go to a school that was further away, which had a larger group of Mexican Americans, rather than the school that was closer, which happened to have a larger enrollment of Anglos.

As a result of that, the superintendent decided to desegregate the whole school system; since the district was growing quite rapidly, thereby setting the sites for the new schools by superintendent Peters so that the whole school district would be desegregated. This was done in 1946.

I don't know anyone who did a major study on it. He did it on his own and kept it kind of quiet. After superintendent Peters finished, he reported it and everybody was amazed that he could do these things without causing a lot of community havoc.

DE JURE COMPLIANCE: MEXICAN AMERICANS

Senator MONDALE. There is a lot of evidence that ethnic isolation of the brown minority is every bit as great as that affecting the black minority. But virtually all of the Justice Department activity and HEW activity has been directed at the latter and not the former.

Would you regard it to be a hopeful development if the Justice Department were to make an equal or proportioned effort to effect desegregation and integration in the brown community?

Mr. RODRIGUEZ. Yes. I feel that the educational attitude, has to be developed within the Department of Justice as well. They have to begin to see the need of the Spanish-speaking, to interpret what we mean in terms of isolation, segregation, linguistically and culturally.

Senator MONDALE. Is it your impression at this point that that is not the case?

Mr. RODRIGUEZ. It is my impression they haven't done anything.

FEDERAL EXECUTIVE: MEXICAN AMERICAN EMPLOYMENT

Senator MONDALE. Yesterday, we had a Mexican American attorney with the Civil Rights Branch, and he said practically the same thing.

We put a lot of pressure on the school districts and we haven't talked enough about State educational institutions, what they are doing about these problems.

What about the Federal offices? I was shocked, to note that in July 1970, it was said there were no Mexican Americans employed in the Civil Rights Division of the Education Branch, the General Counsel's Branch, and only one Mexican American employed in the Contract Compliance Branch.

I further understand that no Mexican American has ever been employed in the Education Branch in the Office of Civil Rights, in Washington.

Our witness yesterday added:

> No Mexican Americans are employed as regional director in any regional office of the Civil Rights Division or as branch chief of any of the above regional branches, or in any regional branches of the Civil Rights offices. The Dallas office does have a Mexican American deputy director but he is basically in charge of personnel.

Is that correct?

Mr. RODRIGUEZ. As far as I know, that is correct.

Senator, a little over 2 years ago, 2 years and 1 month, I came to the Office of Education, and as far as I know, I was the first Mexican American hired by the Office of Education. Today we have about 19. So we are moving.

Hopefully, if I can continue the pressure, we will have more employees to reflect the educational needs of the Spanish-speaking in this country.

As far as I know, we do not have a Puerto Rican in the Office of Education. I do have a consultant in my office, taking out of our S & E money, in order to provide services for the Puerto Rican.

We have a long way to go, not only at the Federal, State and local level, in changing the educational attitude, but all across the board we must begin to reflect the needs of all of the people that we serve.

At this point in history, our Federal Government is just beginning to scratch that surface. I think we need the assistance of everyone we can get to get the Federal agencies really involved with the people they serve.

Senator MONDALE. If we setaside in the President's $1.5 billion program an amount which corresponds to the percentage of Mexican Americans in this country, that might be a helpful step.

Mr. RODRIGUEZ. Senator, if the money from this bill, was provided tomorrow, we would not be able to carry out the function because we would not have the type of expertise to carry it out, right now, unless we went out and recruited the type of personnel that could carry out that type of thing.

Senator MONDALE. We are building an ABM. No one knows what they are doing there, either.

Mr. RODRIGUEZ. The human resource is available. It is just a matter of bringing it together. We had to go to Germany to find the people to help us send the rockets into orbit and to help us reach the moon.

I know we can recruit Mexican Americans to help us get these Mexican American programs into orbit.

Mr. CARTER. I think there is a big educational job that has to be done in Washington. Let us face it, Washington is eastern-oriented. The black minority is obvious, the Puerto Rican minority is obvious to those who will look, but it is kind of played down.

But the gross misunderstanding on the part of people in Washington, generally speaking, or in the East about the Mexican Americans, is amazing. It is amazing the kind of statements you can get about the minority from otherwise knowledgeable people.

It has been, as somebody said, a very silent group. Only now is competent research being done on the group, and some of it isn't even published yet. You can get people who would know a great deal about the black minority or Italian Americans, or what-have-you, who would be totally uninformed or even the existence of a Mexican American minority.

You have to start teaching the people here about this group, I think.

Senator MONDALE. I think that is what Mr. Rodriguez's office is doing, but it is such a small office and a new office we have to keep

the pressure on for these other programs. Even though we might have trouble tooling up, I can't think it wouldn't be a good idea.

Mr. RODRIGUEZ. It is not only that we are making people aware of the needs and the problems, but making people behave towards these needs. It is not enough just to know. It is more important that they not only know, but care, and put this concern into action.

It does no good for us to make people aware unless they are willing to participate in some active activity that will change the situation for the benefit of the people.

Senator MONDALE. I will ask Josué González from the committee staff to ask any other questions he wants.

BILINGUAL EDUCATION

Mr. GONZÁLEZ. You mentioned the Bilingual Education Program funded under Title VII of ESEA.

Is there any comparable effort being made by the States, by State Departments of Education to your knowledge, to move in this direction?

How much money from the States is coming into this area?

Mr. RODRIGUEZ. I am sure that there is some, but I could not categorically tell you what they are. Most of our reporting on title I to the Office of Education, through the Division of Planning and Evaluation, has no block reporting on Mexican American activities or Spanish-speaking activities.

We have asked the Program Planning and Evaluation in their questionnaires and their requirements in reports submitted by title I, State and local projects, to have a portion of it indicate those programs that affect the Spanish-speaking, such as bilingual and other types of programs that are directed to the Spanish-speaking.

They now have it and we should have some information about it sometime in January.

Mr. GONZÁLEZ. Do you think there might be some State money coming into bilingual education?

Mr. RODRIGUEZ. Yes. I know, for instance, that the State of Arizona passed $100,000, I think, for their bilingual program, and distributed it to some 19 school districts.

I understand the State of Massachusetts at the present time is entertaining some legislation relative to a bilingual bill. I understand they are thinking about more money than $1 million (one million).

I understand the State of California is also entertaining a bill relative to bilingual education. These are the three that I know of. One has actually passed and the other two are legislative proposals.

Senator MONDALE. Thank you very much for your most useful contribution to this committee. You have helped us to better understand the situation. We may be submitting questions in writing to you.

Senator MONDALE. Thank you very much.

We will stand in recess until next Tuesday.

(Whereupon, at 11:55 a.m. the select committee recessed, to reconvene at 10 a.m., Tuesday, August 25, 1970.)

APPENDIX

U.S. COMMISSION ON CIVIL RIGHTS,
Washington, D.C., August 6, 1970.

HON. CLAIBORNE PELL,
Chairman, Subcommittee on Education of the Committee on Labor and Public Welfare,
U.S. Senate,
Washington, D.C.

DEAR SENATOR PELL: I am writing this letter on behalf of myself and Commissioners Horn, Rankin, Freeman and Mitchell.

On Friday, July 10, 1970, Commissioner Manuel Ruiz and Mr. Henry A. Ramirez, a Commission employee, testified before your Subcommittee which is holding hearings in conjunction with the Select Committee on Equal Educational Opportunity on S. 3883, the Emergency School Aid Act of 1970. We are writing this letter to clarify the record.

When Commissioner Ruiz appeared before your Subcommittee, he was not speaking on behalf of the Commission but as an individual. The position of the Commission on the Emergency School Aid Act of 1970 was set forth in the testimony of Mr. Howard A. Glickstein, Staff Director, on June 24, 1970.

Mr. Ramirez was not advised that he was going to testify until moments before he appeared. Accordingly, he was not able to prepare himself.

We affirm the testimony of our Staff Director to the extent it differs from that of Commissioner Ruiz. We are in favor of the double counting provision of S. 3883. We support the deletion of language from Section 5(a)(3) which authorizes the use of funds for educational programs unaccompanied by desegregation or the elimination of racial isolation. We support the Administration's bill whether or not any amendments are attached to it. It is a good first step.

We cannot emphasize too strongly that no study is being suppressed by this agency. During the course of Mr. Ramirez's testimony it was suggested several times that the Committee was being provided information not previously made available to it. We believe that such suggestions are unfair and misleading.

Mr. Ramirez's testimony, almost in its entirety, is contained in the preliminary staff analysis sent to the Select Committee on Equal Education Opportunity on June 15 and submitted as an exhibit before the Subcommittee on Education on June 24. Both the staff analysis and Mr. Ramirez's testimony explain the methodology of the study, provide data on ethnic isolation, on the number of teachers and their location, on reading and dropout rates, on suppression of the use of Spanish and on educational finances. The only data provided in Mr. Ramirez's testimony that is not contained in the preliminary staff analysis is some information on the composition of school boards. To have suggested that it was more difficult to get information from the Commission than from the Defense Department, when that information already had been furnished, is extremely puzzling to us. The staff of this agency has cooperated closely with the staff of the Select Committee. We have not withheld anything that was appropriate for release.

Our Mexican American Education Study involves a great accumulation of data. This has been the easy part. This data now must be analyzed and written up. This is taking time. Adequate staff and funds are assigned to this study, and this is not the cause of the delay. This Commission bases its reputation on the accuracy of its reports. No reports are released until thoroughly reviewed. Part I of this study just went through its fifth draft. It only recently was reviewed by Mr. Ramirez's supervisor. This week, it was reviewed by the Staff Director and shortly will be submitted to the Com-

missioners. We would be unfaithful to our mandate if we released reports and data that were not fully and adequately authenticated and reviewed.

Some members of the Subcommittee expressed an interest in the Commission's work with respect to Puerto Ricans. The Commission on June 6, 1970, responded to an inquiry by Senator Kennedy concerning our efforts to deal with the problems of Puerto Ricans. A copy of this correspondence is enclosed.

Inquiry was made regarding the Agency's work with Indians. This agency has been developing an Indian program. We sponsored a conference of Indian leaders in December of 1969. Since then we have begun preparing informational handbooks which will explain Indian rights in various subject matter areas. This project was undertaken after careful analysis of the various alternatives. We believe it has the potential to be very valuable.

Interest was expressed in how we allocate our resources among studies dealing with different racial and ethnic groups. A substantial amount of our very limited resources are allocated to the study of the problems of Spanish surnamed Americans. During the first half of this past fiscal year the project receiving the second largest allocation of funds was the Mexican American Education Project. Our work on Mexican American Administration of Justice problems also received a significant allocation of funds. The hearing we held in San Antonio in December 1968 cost over $200,000, and large sums have been spent in followup on that hearing. In addition, almost all aspects of our work involving the appraisal of the adequacy of Federal civil rights laws and programs deal with the needs of Spanish surnamed citizens. We will be happy to provide you with whatever further information on this score that you require.

The Commission on Civil Rights always has been open and forthright in its dealings with Congress. We are distressed at the accusation we are suppressing information. We hope this letter clarifies the situation. We would appreciate it if this letter were included as part of the hearing transcript.

Sincerely,

THEODORE M. HESBURGH, *Chairman.*

[Enclosure]

JUNE 6, 1970.

HON. EDWARD M. KENNEDY,
U.S. Senate,
Washington, D.C.

DEAR SENATOR KENNEDY: Father Hesburgh has asked me to respond to your letter of May 25, 1970, and to thank you for your regards and your kind words about our recent report *Mexican Americans and the Administration of Justice in the Southwest.*

In your letter, you also asked to be informed of the status of a proposed Commission study of denials of equal protection of the laws in the administration of justice affecting Puerto Ricans in the Northeast and whether this study includes the areas of education, housing, employment and political participation. The Commission has been concerned and interested for some time in expanding its studies to include problems of the Puerto Rican community. In our request for appropriations for fiscal year 1970 we included plans to extend the Mexican American administration of justice study to include Puerto Ricans. Because of our extremely limited budget we have been able to undertake only preliminary steps to development of a Puerto Rican project during fiscal year 1970. In our appropriations request for fiscal year 1971 we have reaffirmed our commitment to a Puerto Rican project.

The present status of our Puerto Rican program is as follows:

1. There has been a special effort to include Puerto Ricans among State Advisory Committee members. The efforts have been successful in Massachusets, Connecticut and New York.

2. On April 27, the Massachusetts State Advisory Committee held a closed meeting in Springfield on the extent of Puerto Rican participation in community action programs. This meeting resulted from an earlier one held in Boston in the fall of 1969 at which grievances from Puerto Ricans were heard.

3. On April 10, the Delaware State Advisory Committee held an open meeting on police-community relations in Wilmington. This meeting dealt with a number of issues, including relations between the city police and the Puerto Rican community.

4. On May 17, the Connecticut State Advisory Committee sponsored a conference on bilingual education in Bridgeport.

5. The Commission staff has made preliminary field surveys in cooperation with our Northeast Field Office to determine the feasibility of undertaking studies of denials of equal protection in the administration of justice and in education affecting Puerto Ricans.

We also have added two Puerto Rican staff members to the Commission, in addition to eight Mexican American professional staff members.

Our plans, however, have been delayed by our severe financial crisis of which you are well aware. As you know, our authorization for appropriations, largely through your helpful efforts, recently has been increased by $750,000 by the Senate Committee on the Judiciary. This amount will permit some small increase in the level of Commission activities. Although the Committee voted on this legislation (S. 2455) on May 12, it has yet to be reported to the Senate and remains to be acted on by the House. In addition it will be necessary for Congressional action to be taken to increase our appropriation. As a result, we expect that the first phase of our Puerto Rican program will consist of additional State Advisory Committee factfinding meetings and reports to the Commission. In the past this procedure has led to highly satisfactory results. I believe that the same will be true in the Northeast where the Commission is fortunate in having a number of outstanding State Advisory Committees, in particular the Massachusetts State Advisory Committee, chaired by Father Drinan.

I wish to assure you that the Commission fully intends to issue reports on Puerto Rican problems. I will keep you informed as events develop. I also would like to take this opportunity to thank you for your effective assistance in the Subcommittee on Constitutional Rights and the Judiciary Committee in obtaining favorable action on our authorization request.

Sincerely.

HOWARD A. GLICKSTEIN,
Staff Director.

U.S. SENATE,
Washington, D.C., May 25, 1970.

REV. THEODORE M. HESBURGH, C.S.C.
Chairman, Commission on Civil Rights,
Washington, D.C.

DEAR FATHER HESBURGH: I was delighted to see the impressive study by the U.S. Civil Rights Commission detailing the dicrimination against Mexican Americans that exists in the Southwest. The report's recommendations for legislative action were particularly valuable.

The study holds considerable interest to the State of Massachusetts where there has been a substantial increase in the past decade in the number of Puerto Rican residents. All institutions have been exceedingly slow to respond to the special needs of this new constituency. At the same time, questions have been raised whether the Puerto Rican community is being discriminated against in the allotment of federal funds and programs in the areas of education, housing and employment.

I understand that the Commission has included in its budget statements to the Congress a proposed study of denials of equal protection of the laws in the administration of justice affecting Puerto Ricans in the Northeast. I would appreciate learning of the status of that investigation and whether it includes the areas of education, housing, employment and political participation.

Hopefully, the inquiry would furnish the same basis for legislative recommendations contained in the study of discrimination against Mexican Americans in the Southwest.

I would be pleased to discuss this matter further with you, and I'm sorry I missed you last week. Until we can meet, best wishes, and my very warm regards.

Sincerely,

EDWARD M. KENNEDY.

Identical letters sent to: Hon. Birch Bayh, Hon. Edward W. Brooke, Hon. Marlow W. Cook, Hon. Thomas J. Dodd, Hon. Peter H. Dominick, Hon. Thomas F. Eagleton, Hon. Mark Hatfield, Hon. Roman L. Hruska, Hon.

Harold E. Hughes, Hon. Daniel K. Inouye, Hon. Jacob K. Javits, Hon. Edward M. Kennedy, Hon. Warren G. Magnuson, Hon. John L. McClellan, Hon. Walter F. Mondale, Hon. George L. Murphy, Hon. Winston L. Prouty, Hon. Jennings Randolph, Hon. Richard S. Schweiker, Hon. William B. Spong, Hon. Harrison A. Williams, Hon. Ralph W. Yarborough.

AUGUST 19, 1970.

REV. THEODORE M. HESBURGH,
President, University of Notre Dame,
Notre Dame, Ind.

DEAR FATHER HESBURGH: Thank you for your letters of August 10 and August 17, and for letting me have an advance copy of the Civil Rights Commission's first report on Mexican-American education. The report contains a wealth of extremely valuable information on ethnic isolation which has never before been compiled. It will be useful particularly to the Select Committee. Please be assured that we will treat it on a confidential basis until such time as it is formally released to the public.

Let me also take this opportunity to express to you my personal regret about the misunderstanding that has arisen as a result of the appearance of Commissioner Manuel Ruiz and Mr. Henry A. Ramirez before Senator Pell's Subcommittee on Education on July 10. I do not believe any purpose would be served by a recital of events which led me to request that Mr. Ramirez be available to testify that morning. I hope that the staff of the Civil Rights Commission, as well as the staff of the Select Committee, will consider this unfortunate incident as closed, and that we can continue in the future to cooperate with each other as we have in the past.

The Commission on Civil Rights, since its establishment, has deserved the respect and admiration of every member of Congress and of all those with whom it has dealt.

I look forward to working closely with you and the Commission in the future.

Personal best wishes.

Sincerely,

WALTER F. MONDALE, *Chairman.*

THE CHASM OF CONFLICTING CONCERNS, AN ADDRESS PRESENTED TO THE TEXAS UNITED COMMUNITIES SERVICES ANNUAL CONFERENCE, AUSTIN, TEXAS, NOVEMBER 17, 1970, BY DR. JOSE A. CARDENAS

INTRODUCTION

For the last twenty years I have been involved in the education of Mexican American children. Much of my energy in that time has been devoted to a reconciliation of what I considered to be erroneous strategy: that of attempting to adapt the child to the curriculum. I think the failure of that strategy is amply substantiated by an eighty to ninety per cent school drop-out rate among Mexican Americans. Still the strategy survives, and the failure continues. I have been thoroughly convinced for several years now that educational problems of Mexican-American will not diminish until all educators drop the concept of "adapting the child to the curriculum" and substitute this with a program of adapting the curriculum, and the school, to the child. I call your attention to this because I think a parallel exists in the response of most social institutions to the Mexican American. Almost daily we still hear of "the Mexican American problem" in health, in community services, in economics, and in politics; and in my opinion social agencies are no closer to solving social problems of Mexican Americans than I am to solving their educational problems; at least not until we think in terms of adapting social institutions to the Mexican American rather than attempting to adapt the Mexican American to the institution.

My commitment to education has caused me to continuously criticize its inefficiencies and promote its most promising innovations. I have been an advocate of bilingual education, of early childhood education, of multicultural education, of individually prescribed instruction and of community involvement. The merits of these educational strategies as necessary to equality of educational opportunity, I still support.

In the last few years however, I have begun to crystalize the conviction that we can expect little beyond minimal success in the education of the Mexican American so long as the reality of his environment provides full justification for the negative self-concept which he begins to nurture at his first encounter with the dominant culture and extends toward his tenure at school. Although I have no substantive research supporting my prognosis (theoretical basis may be found in the writings of Fromme, Alport, Rogers, et. al.), I feel sufficiently justified in my opinion to join the ranks of those who expound the urgency of an accelerated resolution to the inequalities in health, housing, and economics which are to a great extent responsible for the present plight of the Mexican American before great strides can be made in solving the problem of educational inequalities in the school. It is to this cry, this quest for equality which many Mexican Americans choose to call "La Causa", that I would like to address myself today.

CLARIFICATION OF THE RESPONSE

The Mexican American movement is as complex as is the field within which it operates. Symbolically, it is young Mexican American leaders attempting to change a local, state, and national government's response to a problem which these governments fail to recognize—and it is much more. Its complexity and the complexity of the field within which it operates necessitates clarification.

This is a movement encompassing a broad spectrum of individuals, strategies, motivations and concerns. It includes the rhetoric of revolution and of reaction. Although its language has been a part of the Southwest for centuries, that language suddenly seems very loud, very foreign and very threatening to people who never bothered to hear it before. It is a fire fed by the young at a time when the traditional gap between the young and the not-so-young seems to have reached unprecedented proportions. It is strategies which might have been better implemented ten years ago, and it is a call for morality which was clearly heard almost two thousand years ago.

The problem as it affects the Mexican American is enormous. In the schools, drop-out rates are reduced at such a slow pace as to negate the efficiency of the schools as instruments of upward mobility.

Retention rates and underachievement aggravate the problem. In the area of civil rights, equal employment opportunity, justice, health and welfare the problem is at least of equal magnitude.

The last few years have brought an increased awareness, if not understanding, of the Mexican American and his perception of and attempts to resolve the bleakness of his existence. The Valley Farmworkers March and subsequent confrontation with a Governor of the State of Texas, the Civil Rights Commission Hearings, various walkouts in area schools, the Del Rio March and the Crystal City situation, even when adversely reported, have at least provided testament to the growing willingness of Mexican Americans, especially the young, to attack their problems collectively as well as individually. The violence erupting in association with Mexican American civil rights activities in recent weeks has been covered extensively by the news media and certainly added a new dimension to the meaning of commitment for Mexican Americans.

The emerging purposeful collectivity among Mexican Americans has been recognized by individuals in politics. It was perhaps during the John F. Kennedy campaign that the political potential of Mexican Americans as a group became apparent both nationally and locally. Since then a Mexican American strategy has been a major feature of most political campaigns in the Southwest. The advent of La Raza Unida Party in South Texas will undoubtedly increase the awareness of ethnicity in the quest for political support.

Several factors have contributed to the emerging political importance of Mexican Americans. The elimination of the poll tax, massive voter registration drives and sporadic attempts at voter education have done much to curtail the previous disenfranchisement of the minorities. Equally relevant to the political importance of emerging minorities like the Mexican American, however, is the increasing divisiveness in the country.

There is the possibility that this increased awareness of problems of Mexican American may have adverse effect, in terms of short-range goals, on the Mexican American's quest for equal opportunity. The problem is turbulent and it is constrained by the tolerance for turbulence phenomenon. Just as the wrongness an eighty percent drop-out rate among Mexican Americans is a reality, so the

existence of other, perhaps more threatening, national and international concerns is a reality. Americans live under the threat of Red China and the Communist world. Conservationists (and our children) tell us that our most serious problem is ecology. The threat of a nuclear holocaust is brought home to us by at least one novel and several movies per year. Student unrest and the drug problem widen the gap between the generations, and we are all, of course, worrying about our shrinking American dollar. On the national scene, the Mexican American competes for priority with these and other concerns. On the local scene, the competition for priority among concerns is almost as keen.

There is also the possibility that the injection of the problems of the Mexican American may well push many apprehensive middle class Americans beyond their thresholds of tolerance.

In addition to the tolerance for turbulence phenomenon, the Mexican American movement must exist within the framework of Newton's law. For every action of the Mexican American, there is a reaction of the dominent ethnic group. Opposition to change usually is manifested in a reactionary response which in most cases causes a comparable response from the proponents of change. Defense mechanisms are set up both at the psychological and physical level. We hear accusations of ingratitude on the part of this ethnic group for what has been done for them. The "some of my best friends are Mexicans" approach is still very much in practice, amazingly so in view of all the bad jokes about this. Other defenses are obvious perhaps only to the Mexican American. Almost always these are most costly to the persons employing them. The use of "Inhouse Mexicans" in negotiations with activist groups is perhaps the most symptomatic of the lack of understanding. To expect to appear sincere to activist Mexican Americans by having as your spokesmen Mexican Americans who are perceived as sell-outs by those activists is strategically questionable if not foolhardy.

STATUS OF THE PROBLEM

The reality of the historical presence of Mexicans and Mexican Americans in the Southwest is evidenced by their influence on present Southwestern culture if not by the history books. The Conquistadores often portrayed as nothing more than fortune-seeking pursuers of Indian myths were followed by Spanish settlers, the descendants of whom are still living in Texas, having been Mexicans only for that short period between Mexican independence from Spain and Texas secession from Mexico. With Anglo settlement of the Southwest came the loss of the lands and other wealth, leaving deep fissures in the relations between the Anglo and Spanish speaking populations.

Although the Treaty of Guadalupe-Hidalgo guaranteed the Spanish speaking population its language, religion, and culture and the United States theoretically recognized the claim of inhabitants to all the land rights proved by Spanish grant, few of these rights were recognized and respected. The non-compliance of the United States government with the terms of the treaty poses an interesting if strictly academic legal question since it was under this treaty that Mexico ceded the states of California, Arizona, and New Mexico to this country.

Many factors have contributed to the lack of cultural assimilation on the part of Mexican Americans. The geographic proximity of the mother country and the fact that geographically the Southwest is a part of Mexico has helped to maintain cultural integrity as has reinforcement of that culture through immigration. Physiological differences were another barrier to cultural assimilation. Discriminatory practices on the part of institutions which were the avenues to cultural assimilation were probably the greatest barriers.

Inequality of opportunity has pervaded life for Mexican Americans in the Southwest and persists in education, in housing, in employment, in the administration of justice, and in business.

In education, Mexican American progress is hampered by a system that has not accepted the responsibility for implementing an instructional program which is compatible with his cultural and learning characteristics. The most blatant disregard for the cultural and learning characteristics of Mexican American children is evidenced by the practice of prohibiting the children's use of their home language. Not only has the child's primary language been ignored as a vehicle for instruction, a questionable pedogical practice; the move, in many areas, has been to eliminate the Spanish altogether. The impact in terms of loss to human dignity of this practice alone will probably be felt for over

the next fifty years. Similarly, the complete disregard for the culture of the Mexican American has done much to alienate these people. The educational problems related to the disregard for culture can be summarized in three statements: 1. Few teachers are aware that Mexican Americans have a culture, 2. the teachers who are aware of a Mexican American culture rarely do anything about it in terms of curricular content, and 3. the one-in-a-thousand teacher who attempts to do something about it invariably does the wrong thing. Educational literature commonly describes the Mexican Americans as "culturally deprived children", when with only a close look it is readily evident that they are not. As Dr. John Aragon of the University of New Mexico once stated, "These are not culturally deprived children, they are culturally atypical children, being taught by culturally deprived teacher.

Illogical testing practices further hamper educational progress for Mexican Americans. In California Mexican Americans account for more than 40 per cent of the so-called "mentally handicapped." Even when escape from the special education classes is possible for Mexican American children, unfair testing undermine their success in school by contributing to the low level of expectation evident in many teachers, both Anglo and Mexican American. In the style researched by Jacobson and Rosenthal and reported in *Pygmalion in the Classroom*, teachers of Mexican American children, influenced by the non-school culture, have traditionally expected Mexican American children to achieve less. The prophecy becomes self-fulfilling.

In housing Mexican Americans have been hampered by traditional unwillingness on the part of lending institutions to make monies available for construction and repair of homes in the barrio. The resultant decay of the barrios added to the stereotyped image of Mexican Americans who are uncaring about their surroundings. One alternative to this lack of capital has been the use of mechanics or builders liens in upgrading homes in the barrio. These liens constitute a menace to many Mexican Americans in that they provide for the construction or repair of a home with the lien-holding company maintaining the power to take possession of the home should a specified number of monthly payments not be forthcoming. Ignorance of homestead and other protective laws as well as insecurities about jobs keep many Mexican Americans from risking the loss of a home, however humble.

Discriminatory practices on the part of the Federal Housing Administration which tended to benefit the middle and upper-middle class have also succeeded in keeping the Mexican American from availing himself of the services of that institution. The FHA services which have finally reached the Mexican American have to a great extent been detrimental to the cause of an integrated society. FHA practices of the last twenty years have tended to ghettoize the cities with the primary consideration in site selection for public housing being the racial or ethnic concentration of the neighborhoods.

The Report of the National Advisory Committee on Civil Disorders, also known as the U.S. Riot Commission Report, took note of this practice in recommending:

"To date, housing programs serving low-income groups have been concentrated in the ghettos. Non-ghetto areas, particularly suburbs, for the most part have steadfastly opposed low-income, rent supplement, or below-market interest rate housing, and have successfully restricted use of these programs outside the ghetto. We believe that federally aided low and moderate income housing programs must be re-orientated so that the major thrust is in non-ghetto areas. Public housing programs should emphasize scattered site construction, rent supplements should, wherever possible, be used in non-ghetto areas, and an intensive effort should be made to recruit below-market interest rate sponsors willing to build outside the ghettos."

In spite of the Riot Commission's report and after almost a whole year of strong citizen objection to this further ghettoizing, and in spite of Secretary George Romney's recent admission to the Senate Select Committee on Equal Education Opportunity of past FHA and HUD contribution to racial and ethnic social problems, there is still lacking, in most cities, a comprehensive plan for housing which will eliminate the further polarization of our society and the continued destruction of human lives.

Perhaps the greatest alienation between Mexican Americans and Southwestern institutions exists in the area of the administration of justice. The Texas Advisory to the U.S. Civil Rights Commission stated in a February, 1970, report:

"Definitive evidence exists that black and Mexican American citizens of Texas suffer discrimination in the administration of the law. This is particularly so in rural areas of the State. Even clearer, and perhaps even more important is its possible consequences, is the evidence that minority citizens to end to regard those who administer the law—including police officers, the courts, and correctional officials—as agents of discrimination and oppression."

The use of Texas Rangers and Department of Public Safety personnel in area experiencing civil rights or labor activities promises to do little to curtail the attitude identified by the Civil Right Advisory. In Starr County, in Mathis an in Uvalde, Mexican Americans perceive law enforcement personnel as opponents of the struggles for equality which they have chosen to take up. The damage may well be irreparable.

Their value before the law is questioned by Mexican Americans for less obvious reasons. The national paradox which showed a relatively low level of concern for problems of drug abuse, other than mandatory and more severe prison sentences, until it became a middle class, white, Anglo Saxon, protestant problem is very obviously apparent to Mexican Americans in the barrio. The practice of excluding Mexican Americans from juries in many South Texas towns still exists although most have shifted to the practice of including a token Mexican in juries so long as he is the "right kind" of Mexican. The far reaching effects of this practice are perhaps more apparent when you consider a civil case wherein an all Anglo jury, with its opinion of the value of a Mexican American's day's work, is called upon to determine compensation for a Mexican American disabled through personal injury.

While a small percentage of Mexican Americans have enjoyed social and economic mobility, most Mexican Americans suffer the lack of socio-economic mobility. This fact is pointed up, almost indisputably, by the high drop-out rate among Mexican Americans, the high incidence of health problems, and the high unemployment and underemployment prevalent in the barrio.

Lack of socio-economic mobility is perhaps the most crippling condition of Mexican American life. A tradition if discriminatory practices and the ever-widening present day gap between the lower and middle class standards of living presents a rather hopeless picture to the Mexican American. Sociologists and anthropologists have stated often that the Mexican American is held back by a low level aspiration. I submit that what exists is a low level of expectation, reinforced by successive failures in the school, negatively stereotyped images in the media, and what often become self-fulfilling prophecies about Mexican Americans' ambition and capabilities.

Because institutions seem not to serve them, Mexican Americans see themselves as an exploited people.

This exploitation manifests itself through low wages, unfair labor practices, lack of equal employment opportunity, and discrimination in upward job mobility. Nowhere is the economic exploitation of the Mexican American more apparent than in the plight of the agricultural migrants. Employers with vested interests, and frequently with the assistance of government officials, have successfully impeded most legislation aimed at improving the lot of the migrant. These efforts deny the migrant coverage under minimum wage laws, coverage under the National Labor Relations Act, and in the State of Texas, adequate housing, rest stops, transportation safety, and the unfair competition of foreign green card holders. Texas Rangers' efforts to maintain law and order in the Rio Grande Valley, very conveniently for the growers, also all but ended unionizing activities.

A second form of exploitation served by Mexican Americans is cultural exploitation. Mexican Americans shopping in downtown San Antonio see the great amount of money being expended here by Mexican citizens who can feel quite at home in San Antonio because there they find Spanish-speaking personnel eager to wait on them. On the other hand, U.S. tourists are attracted to San Antonio by the quaint Mexican atmosphere complete with strolling mariachi bands. It is not surprising then that a stroll down the San Antonio riverwalk is a bitter experience for a Mexican American who can see that for the most part other Mexican Americans are able to enjoy the beautiful surroundings, expensive shops and the fiesta atmosphere only in their capacity as waiters, busboys and bartenders.

So entrenched is the feeling of exploitation among Mexican Americans, especially those in the urban barrio who experience on a daily basis the ploys of

money lenders, salesmen with gimmicks and bill collectors, that efforts to provide self-help opportunities are often viewed with real skepticism. Recently a federally funded program offering benefits totaling thousands of dollars to participants was implemented in west San Antonio. After the Project Director had explained all of the program to the participants, a stillness pervaded the room which seemed to indicate that there remained some questions. Finally one program participant broke the silence. "All right," he said, "Now tell us the catch!" And, unfortunately, many programs do carry their own "Catch 22".

A third form of exploitation is political exploitation. The history of political exploitation of Mexican Americans is reaching its climax today when young Mexican-Americans are seeking to establish a third party in the hope of enjoying increased responsivness. The failure of either major party to institute a program of voter education among Mexican-Americans is perhaps indicative of what has tended to be their philosophy towards this group. Most politicians continue to believe that with enough rallies of free beer and tamales they can secure the support of the Mexican American community, and Mexican Americans resent this. The lack of concern for the integrity of the Mexican American voters may well be the clue to the lack of concern for his needs. It is not difficult to understand why young Americans would choose to work for the unseating of a Texas State Senator, who with a 65% Mexican American constituency, attempted to filibuster the minimum wage law introduced in the legislature last year.

In recent years Mexican Americans have begun to recognize or perceive a fourth type of exploitation. The pride felt by most Mexican Americans after the exemplary record of Mexican Americans in World War II and Korea is fast converting into bitter cynicism as a disproportionate percentage of Viet Nam war casualities are Mexican American. Even more bitter is the recognition that in many instances those same heroes have been unable to enjoy the fruits of life in this country.

All of the conditions which I have described, combine to create the atmosphere for protest. The reporters of these conditions are frequently those individuals who, having reached their own tolerance for turbulance threshold, react in a manner which causes the protestors to be viewed as troublemakers, outside agitators, egotistical juveniles, effete snobs. criminals and communists by those who desire that the condition not be reported.

One over-riding motivation pervades the Mexican American protest.

It is an unwillingness to perpetuate second class citizenship. Mexican Americans are demanding equality before the institutions which have either ignored their needs or misread their needs in the past; they are demanding upward mobility and that means the opening of doors to those institutions which have heretofore been closed to Mexican American entry.

Mexican Americans are demanding freedom. In politics it means an end to delivery of the Mexican American vote by boss politicians, whether they be brown, black, or white. It means alternatives to leadership so that they are not saddled with only a few leaders who might reach their own tolerance for temptation and begin to ignore the needs of the Mexican Americans; it means political education so that the people can choose their candidate because he is responsive and not because he has the most advertising or endorsement by all the right Mexican Americans. Most of all, the Mexican American demand for freedom means the demand for the right to alternatives; alternatives in life styles, alternatives in aspirations and alternatives in values.

The complexity of Mexican American needs, values and aspirations is multiplied by the complexity of the needs, values and aspirations of the dominant middle class society. There is no absence of concern for the future course of society; the gap which does exist is between the focal points of those concerns, many of which are in conflict. The question I bring before you today is, "What is the nature of this chasm of conflicting concerns and how can this chasm be bridged?"

THE CHASM OF CONFLICTING CONCERNS

The chasm is many-faceted. It include nationalism vs. cultural pluralism, participation in institutions vs. the preservation of institutions, civil rights vs. property rights and shared political power vs. maintenance of the status quo.

The conflict between the growing nationalism among middle America and the surging culturalism among the Mexican American is exemplary of the chasm of conflicting concerns. Recently Mexican American youth in San Antonio cele-

brated La Semana de la Raza, a week-long observance culminating on September 16th which is Mexico's Day of Independence. This observance, as well as the Mexican American insistence on retailing his language, is viewed as un-American by many, especially those individuals caught up in the wave toward renewed patriotism. What is lacking is the realization that Mexican American activities of this type are celebrations of the Mexican American's own culturalism rather than of a return to Mexico type nationalism. The conflict is reinforced by the fact that each group has an equal need for its own mechanism. The Mexican American, too long aware of a slipping away of his values and identity asserts himself in a celebration of his culture especially in its exclusion of the dominant culture, and the middle American also feels the need to assert a nationalism especially in its exclusion of anything foreign and threatening.

Conflicting concerns are manifested in terms of the Mexican American's urgent push for participation in the institutions which have been closed to him thus far, while middle America is pushing to preserve these institutions as they presently exist. Mexican American techniques to open the doors of those institutions must often be perceived as battering rams threatening to break down the walls upon which middle America is attempting to build improvements.

Illustrative of this phenomenon are current Mexican American efforts to participate in the decision making processes of the schools. In the extreme we are faced with the reality that while universal matriculation is taken for granted in this county, studies have shown that 20 per cent of migrant children in Texas never enroll in schools. In institutions of higher learning too, Mexican Americans are attempting to gain entry—a move seen by many as an attempt to weaken the institutions through a lowering of standards.

In the area of health too, we see a chasm between a medical profession that daily moves towards increased specialization and a need for improved health delivery services. The irony of the situation becomes evident when one considers that in a time when organ transplants have become a reality and aerospace medicine is a maturing specialization there are still Americans who do not have access to the very basic medical and dental services.

In the area of the administration of justice we are faced with another chasm: a middle America concerned about the protection of public property and Mexican Americans and minority groups in general perceiving the tools of justice as something to which they must gain access in order to protect their civil rights. Mexican American clashes with the instruments of the administration of justice have put the problem into a new perspective. Violent outbreaks in association with civil rights activities usually reflect on the groups initiating those activities, regardless of the findings of commissions and other investigatory bodies. To this, many young Mexican Americans are responding that violence is perpetrated against the Mexican American every day of his life in the forms of systems which sentence him to a life lacking in the joy of taking all that this country has to offer. The concensus seems to be that sentencing a child to a life without an education cripples him as surely as if a gun had been aimed at his limbs and represents an act of equal violence.

Middle America's political aspirations are also in direct conflict with the political aspirations of Mexican Americans. In this field we see the maintenance of the status quo as the primary objective of the dominant group while logically, the Mexican American attempts entry into the political arena, a move seen as threatening to the status quo by the dominant group.

The political conflict goes beyond the obvious electoral processes for Mexican Americans. More and more Mexican American resentment of patronage is evident. The Mexican American wants to be a full member of the political process with self-determination as a goal. Participation which is short of self-determination is seen as little more than tokenism and is clearly the object of contempt.

SOME SOLUTIONS

If in fact there is no absence of concern for the future course of our society and the world, it becomes obvious that those concerns which are today in such great conflict must be harnessed into a force which will bring about the realization of the American Dream for all concerned. If we are to survive and accomplish our goals as a nation we must begin by implementing several strategies.

FIRST: It might not be totally irrelevant to look to the advice of a great American who became Mexico's Indian President. Benito Juarez advised his

countrymen that ("El respecto al derecho ageno es la paz.") "Respect for the rights of others is peace."

SECOND: We are going to have to do more than pay lip service to the concept of better communications. It may serve us well to remember that communication need not always be verbal and in fact physical exposure to the realities of the differing life styles in our society may be the only effective avenue to real communication.

THIRD: We are going to have to beware of over-reaction and of blind reaction: I can think of no greater deterrent to a solution to the problems of our society than those individuals who resort to fear and hate-mongering as a response to protest.

FOURTH: We are going to have to implement the concept of change in relationship to all of our institutions. We are going to have to put into practice our conviction that institutions were established to serve individuals and that when these fail to serve the needs of individuals or groups of individuals they must be changed, expanded, or replaced with those that will not suffer under the scrutiny of accountability.

FIFTH: We are going to have to learn to appreciate and exploit our cultural pluralism. The melting pot myth must be recognized for what it is, and we must begin to accommodate peoples who are ethnically, racially, and culturally different and who have much to offer this country and indeed the world.

Today I have attempted to accomplish three things. First, to familiarize you (perhaps needlessly or repetitiously) with the problems of the Mexican American as an ethnic group in our society.

Second, I have attempted to explain the rapid polarization occurring in our society in terms of conflicting concerns.

And finally I have attempted to seek a way out of the precarious dilemma gripping our entire country.

I can only hope that members of all ethnic and racial groups gathered here today can develop the necessary insights for the diminishing and eventual solution of the problem lest we all fall into the ever-widening chasm.

Spanish Speaking Obtain 16-Point EEO Program

Equal employment opportunity for the Spanish speaking people reached a new dimension with the announcement by President Nixon of a 16-point program aimed at giving members of this ethnic minority an equitable share of federal jobs. *President Nixon announced the plan on November 5, and instructed Civil Service Commission Chairman Robert E. Hampton to begin implementing it immediately.* The program includes the appointment of a full-time Spanish surnamed EEO official in the Civil Service Commission, an intensified recruitment drive to bring more Spanish surnamed Americans into federal jobs and a major thrust to place Spanish surnamed persons in key federal departmental positions. MARTIN G. CASTILLO, CHAIRMAN OF THE CABINET COMMITTEE ON OPPORTUNITIES FOR SPANISH SPEAKING PEOPLE, THE AGENCY WHICH INITIATED THE DEVELOPMENT OF THIS PROGRAM, CALLED THE 16-POINT PLAN AN UNPARALLELED BREAKTHROUGH FOR THE NATION'S LARGEST NATIVE MINORITY. Equal employment opportunity has been one of the most pursued goals of the Spanish Speaking and also one of the most elusive. Although the Federal Government has widely advocated equal employment opportunities in private industry and has made frequent pronouncements as an equal opportunity employer, it has not yet achieved job parity for the Spanish Speaking. "The Spanish speaking people constitute approximately 8 percent of the nation's work force," Castillo said. "*Despite all the oratory about improvement, the Spanish surnamed employment in Federal Government has hovered around 2 percent for the past 10 years. This situation would probably continue without this type of action by President Nixon.*"

STATISTICS CITE DISPARITIES

According to the Civil Service Commission report released last month and based on statistics as of November, 1969, minorities hold 501,425, or 19.3 percent of the 2.6 million federal jobs. SPANISH SURNAMED FEDERAL EMPLOYEES CONSTITUTE 2.8 PERCENT. There are only 14 Spanish surnamed people in the "super" civil grades where policy and decisions are made. The top civil

servants are Castillo, who serves as the federal ombudsman for the Spanish Speaking and Hilary Sandoval, administrator of the Small Business Administration. *In all branches of the Federal Government, the Spanish speaking hold mostly low grade positions. The Post Office Department, for example, employs 17,494 Spanish surnamed persons (2.5 percent of its force) and 15,847 are in PFS grades, 1–5.* Only two hold "super grade" positions.

CABINET COMMITTEE ON OPPORTUNITY FOR THE SPANISH SPEAKING

THE DEPARTMENT OF HEALTH, EDUCATION AND WELFARE, which is extensively involved in programs for Spanish speaking people, employs 103,384 people but only 1,201 (1.2 percent) are Spanish surnamed Americans. HEW has only two in the policy-making positions and less than one percent are in the GS14–15 mid-management grades. The Department of Housing and Urban Development has less than 200 Spanish surnamed persons. The Department of Labor, another important federal agency for the Spanish speaking people, also has less than 200 Spanish surnamed Americans on its roster. In the Department of Agriculture, the Spanish surnamed force totals 1,452 (1.7 percent) and of these none are in the "super grade" positions and only four in grades 14–15. The Veterans Administration has 3,032 Spanish surnamed Americans out of 146,523 employees. Only 245 hold mid-management civil service grades and none are in the policy-making ranks.

BESIDES BEING INEQUITABLE, THE DISPROPORTIONATE NUMBER OF SPANISH SPEAKING PEOPLE IN GOVERNMENT, PARTICULARLY IN THE HIGHER ECHELONS, DEPRIVES THE SPANISH SPEAKING MINORITY FROM EMPLOYING THEIR OWN EXPERTISE ON PROGRAMS AND POLICIES DIRECTLY AFFECTING THEM. Instead, the Spanish speaking people have had to rely on social brokers or consultants to advocate their cause in government planning councils. Parity and relevance aside, the Federal Government would also benefit from the special qualities of these Spanish speaking people. *"The broker system of progress for the Spanish Speaking is passe," Castillo said. "We have emphasized, and President Nixon agrees, that the Spanish speaking people must be given a greater role in the Federal Government in order to achieve our goals. President Nixon not only understands this but he has now taken specific action to do something about it. The fact that it comes after the election is perhaps the strongest indication that President Nixon considers it a commitment and not a political gesture."*

Equal employment opportunity in federal government has been one of the Cabinet Committee's major projects. Through the Cabinet Committee's efforts, several key positions in government were filled by Spanish speaking people. Last July, the project received important support from a group of Mexican American organizations in California who cited the dismal statistics and petitioned President Nixon to open more job opportunities in government for the Spanish Speaking. A Cabinet Committee team headed by Castillo and John Bareno, Executive Director for Administration, was already involved in a series of meetings with Civil Service Commission officials and EEO officers in the various government departments. In October, Castillo spoke to a civil service conference on equal employment opportunity in Charlottesville, Virginia. Bareno addressed a civil rights coordinators' meeting in the White House. Meanwhile, the Cabinet Committee drafted a Spanish surnamed EEO plan for the Civil Service Commission. MOST OF THE CABINET COMMITTEE PROPOSALS ARE INCLUDED IN THE 16-POINT PLAN ANNOUNCED BY PRESIDENT NIXON.

THE PRESIDENT'S 16-POINT PLAN

1. *Appoint a full-time official in the Civil Service Commission to provide advice and assistance on matters relating to the Spanish surnamed population and to assure full application of the EEO program in all federal agencies to this group.*
2. *An intensified drive to recruit Spanish surnamed persons*, particularly for identified public contact positions, in areas of heavy Spanish speaking population, including the southwestern states and Chicago, Detroit, and New York, as well as certain other major metropolitan areas.
3. *Use specialized recruitment teams*, to include Spanish speaking persons, for college recruitment, particularly at colleges with heavy Spanish speaking enrollments.

4. Begin work immediately with OEO, HEW, HUD and Labor Department to find ways to *enhance opportunities at all levels for Spanish surnamed Americans* in programs dealing with the Spanish speaking population as well as in other programs and in key occupations.

5. *Step up recruitment for the Cooperative Education Program at colleges* with significant numbers of Spanish speaking students to permit entry from FSEE registers without necessity of written examination.

6. *Emphasize to Federal agencies availability of selective placement on bilingual basis so Spanish speaking persons* may be reached for appointments to positions dealing with the Spanish surnamed population.

7. *Hold an EEO conference of federal managers* and equal opportunity officials in the Southwest designed to assure equal opportunity for Spanish speaking persons in employment and upward mobility in federal agencies.

8. *Develop plans for federal agencies under CSC area office leadership* to work with high schools in Spanish speaking areas to make known job opportunities in the Federal Government and to counsel and to encourage students to stay in school.

9. *Hire for summer employment in federal agencies high school and college teachers* from schools serving Spanish speaking students to give them understanding of the Federal Government which they can relate to students.

10. *Make a special effort to inform Spanish surnamed veterans of availability of noncompetitive appointments for Vietnam Area Veterans* including GS–5 level.

11. *Require federal agencies to review their EEO action plans* and minority employment figures and make any necessary revisions to assure the full applicability of the plans to the Spanish surnamed population.

12. *Review with agencies the staffing of EEO program to make sure that there is understanding in the program* of the special problems of the Spanish speaking.

13. *Provide additional training programs on EEO and personnel management* for federal managers in areas of Spanish speaking population.

14. With the Department of Labor, *explore the feasibility of establishing an intergovernmental training facility for upward mobility* and skills training for federal, state and local careers in the Southwest, probably in San Antonio.

15. *Collect necessary data and broaden analysis of minority statistics* to bring out special information relating to employment and upward mobility of Spanish surnamed persons in the Federal Government.

16. *Require EEO reports from agencies to reflect special information on Spanish surnamed persons* and include in the CSC agenda for EEO evaluation questions directed at particular problems relating to employment and upward mobility of Spanish surnamed persons.

THE NONEDUCATION OF EDUCATION

For the disadvantaged, educational attainment is viewed as the most viable and lasting means of progress, for it sets the foundation for improvement in all areas. *However, in the Southwest, where 70 percent of the nation's two million Spanish surnamed students reside, many school districts still maintain regressive policies regarding Mexican American school children.* Many of these policies continue unabatedly taking their toll of the Mexican American child unless and until public pressure forces the issue of surface. An example is given in a letter to the Cabinet Committee by Neal Bierling, a VISTA volunteer (Volunteers In Service to America) of Ulysses, Kansas. Bierling works largely with children of migrant workers or ex-migrants. Bierling writes:

We have succeeded in getting the local Mexican American and Anglo citizens group known as Concerned Citizens, Inc. to work on the Mexican American dropout and prospective dropout problem. Upon advisement they will try to set up a tutoring program. It is a grave problem here since there are Mexican American high school students who cannot read their textbooks without difficulty and help. They have been and are being passed through the grades with the term "SOCIAL PROMOTION." And of course year by year they get further behind and begin to drop out in the 7th, 8th or 9th grade. Concerned Citizens will also try to initiate a program to hire Mexican American teachers and staff in the schools. *Mexican Americans comprise 30 percent of the local population and 12 percent of the school's enrollment but there is not one Mexican American teacher, administrative staff member nor even a custodian.*

FEDERAL AGENCIES SEEKING CHANGES

Concerned with this tenacious problem, the Cabinet Committee on Opportunities for Spanish Speaking People, the Department of Health, Education and Welfare and the U.S. Commission on Civil Rights are moving aggressively to bring educational equality and opportunity to the Spanish speaking child and instill bi-cultural realism to pedagogy. *The Mexican American Education Study Division of the Civil Rights Commission has finished its first report on the state of education of the Mexican American in the Southwest. Headed by former California educator Henry Ramirez*, this department will produce two more reports; the first examines the ethnic isolation of Mexican Americans in the public schools of the Southwest and the second will study the holding power of the schools on Mexican American youth. The third report will deal with the cultural and linguistic exclusion of the Mexican American within the education process.

Approximately 1.4 million Spanish surnamed students, mostly Mexican Americans, attend school in the five Southwestern states of Arizona, California, Colorado, New Mexico and Texas. ALMOST ALL MEXICAN AMERICAN, THEY COMPROMISE 17 PERCENT OF THE TOTAL SCHOOL ENROLLMENT. The Civil Rights Commission Study reports a severe isolation of the Mexican American student within individual districts.

It states that 45 percent of the Mexican pupils are enrolled in schools representing from 50 to 100 percent of the student population. Only an estimated 12,000 (4 percent) of the Southwest's 325,000 teachers are Mexican American. Of approximately 12,000 school principals, only 400 are Mexican American. On local boards of education, 470 of approximately 4,600 trustees are Mexican American. Although new efforts are being made by schools to work more effectively with the Mexican American students and community, "The preponderance of evidence, however, indicates that the system still is not responding or that it is offering only token response; or, in too many cases, that it does not even accept the reality that a bilingual, bicultural society of five million persons exists in the southwest." Ramirez's reports states.

A DEFINITION OF WHITE OR BROWN

At the urging of the Cabinet Committee, HEW sent an unprecedented memorandum to more than 1,000 school districts warning them about discriminating against Spanish surnamed students because of langauge deficiencies or national origin. *As a followup, HEW has set up a departmental task group and advisory committee to supervise the implementation of the memo and to propose and coordinate new polices ensuring equal educational opportunity for "national origin-minority group children."*

"One of the problems that we have to cope with is the assigning of national origin minority group students to classes for the mentally retarded on the basis of criteria which essentially measure or evaluate English language skills." said HEW's Director of Civil Rights, J. Stanley Pottinger in a speech to the League of United Latin American Citizens (LULAC) conference in Washington last month. Pottinger stated that a U.S. district judge in California has ruled this practice as unlawful and unconstitutional.

The Cabinet Committee is also lending support to Mexican American citizen groups in Texas who are seeking through the courts to make Mexican Americans an "identifiable ethnic group." A group of Mexican American parents, with the assistance of the United Auto Workers Union, filed suit against the Corpus Christi school district arguing that their children belong to an identifiable minority group and therefore are entiled to protection under the 1954 Supreme Court school desegregation decision.

BLACK-BROWN PAIRINGS CHALLENGFD

The issue grew out of a court-ordered desegregation plan designed by school officials which paired Mexican American schools with Black schools and resulted only in consolidating two disadvantaged groups. *A similar situation has developed in Houston where a local Mexican American organization is litigating the school district's desegregation plan that paired 25 elementary schools, mostly involving predominately Mexican American and predominately Black schools.* It led to a boycott of the Houston schools for several weeks by 3500 Mexican American students. The school board agreed to appeal the court-approved

pair plan to the U.S. Supreme Court. *At the request of Houston's Mexican American Education Council, CCOSS Chairman Martin G. Castillo and Executive Director for Programs, Henry A. Quevedo went to Houston to discuss the situation with Mexican American leaders and the president of the Houston School Board.* After the meeting Castillo asked for direct intervention by the Department of Justice in the appeal and requested technical assistance from HEW to improve educational techniques for the Spanish speaking child.

Castillo said:

"I view the Houston plan under its present form as *indefensible from an educational point of view and from a legal point of view.* Where is the enrichment or the equality of opportunity in a situation which requires consolidating two disadvantaged groups. *The Spanish speaking child has suffered too many years from linguistic isolation and unrealistic educational techniques.* The Black child has suffered too many years of segregation and educational deprivation. *To expect that anything resembling education can result from joining these tragic consequences under the guise of desegregation is asking too much.*

"The Courts should recognize that for educational purposes both the Mexican American and the Black child are part of two distinct minorities. Educators have recognized and dealt with this reality to a limited degree for many years. *The Mexican American child is a distinct minority when we are defining segregated classrooms, segregated curriculum or segregated schools. We need the highest courts of the land to put all speculation on this point to rest* by favorable action in this appeal. I have abiding faith in the system wherein government agencies must cooperate with local institutions where problems like these are brought about by government action in one way or another."

FORD FOUNDATION FFLLOWSHIP PROGRAMS

The Ford Foundation is offering two types of grants in graduate studies to Mexican American and Puerto Rican students for the 1971–72 academic year. *An Advanced Study Fellowship and a Doctoral Fellowship support full-time graduate study for one year and up to five years, respectively, beginning in the summer session or the fall term.* Last year, about 20 were given to Mexican American and Puerto Rican students. A bachelor's degree within the last 10 years is one of the prerequisites. Fellowship includes full tuition and fees and a living allowance. Deadline for applications is January 16–17. Recipients will be announced around April 15, 1971. Applications and additional information can be obtained by writing to Advanced Study Fellowships and Doctoral Fellowships for Mexican Americans and Puerto Ricans, The Ford Foundation, 320 East 43rd Street, New York, New York 10017.

HOUSING AND URBAN DEVELOPMENT FELLOWSHIP

The Department of Housing and Urban Development encourages members of minority groups to apply for its fifth annual Urban Studies Fellowship Program. Federal grants are given for full time graduate programs at accredited institutions in the fields of city planning and urban housing. *Candidates must intend to enter a career in state or local public service or in an eligible nonprofit agency.* Application forms and additional information can be obtained by writing to Urban Studies Fellowship Program, HUD, Washington, D.C. 20410. Deadline is January 15, 1971. Awards will be announced April 1.

RUBEN SALAZAR MEMORIAL SCHOLARSHIP PROPOSED

A group of Mexican Americans in El Paso have formed a committee to establish a Ruben Salazar Memorial Scholarship in Journalism. The Los Angeles newsman was killed August 29 during civil disturbances in East Los Angeles.

COMMITTEE CHAIRMAN IS JOE PINON, JR. and the corresponding secretary is Rosa R. Guerrero. Members of the committee include professional people, students and barrio representatives. The committee is raising funds to provide several $1500 scholarships to mass media communications. The major criteria for selection will be based on involvement and dedication to the Mexican American cause. *Persons interested in contributing can send checks or money orders payable to "Ruben Salazar Memorial Scholarship Fund," Southwest National Bank, 320 North Stanton, El Paso, Texas 79901.*

FEDERAL GOVERNMENT SUMMER JOBS

The Cabinet Committee urges Spanish speaking students interested in summer jobs with the Federal Government to apply early. In the past, students have either not been informed about application procedures or have failed to apply before testing deadlines. The jobs vary from office jobs to park rangers and are located throughout the United States. Students compete on a merit basis for the summer jobs. The minimum age requirement is 18 years or high school graduates if at least 16 years old. Civil Service Announcement 414 contains complete job and testing information and can be obtained from local post offices, government personnel offices and area offices of the Civil Service Commission. First deadline for applications is December 4, with the test scheduled for January 9. Final deadline for application is February 3.

CCOSS PUBLISHES "A NEW ERA"

The Cabinet Committee has published "A NEW ERA," a brochure that describes why a federal agency for Spanish speaking people was created, its mandate and its activities. The brochure also incorporates a condensed annual report recently submitted to the President. "A NEW ERA" has been mailed to all persons on the CCOSS mailing list. Copies may be requested by writing to CCOSS' Office of Public Affairs.

OOPS AND TOUCHE

Several persons have called attention to the picture on Page 6 of "A New Era" which shows an old man harvesting a crop described as a beet. Kudos to Adalberto Jimenez, director of ESO Community Development in San Jose, California, for the best lampoon. He wrote: "I notice the picture . . . on page 6 is kinda confusing. The viejito is not topping beets. I know that horticulture has made some advances but you guys really put one over on us old farm workers. Putting a picture of a hybrid "Beion" is really going to confuse farm workers. Could you tell me the Agriculture college which led the research team and in what year the "beet" and the "onion" were crossed. . . . This will revolutionize the farming industry." (Editor's note: Yes, the crop *IS* an onion; we think. Well, anyway it looks like a beet? A fat mushroom? A hairy pear? Forget it.)

[From the Los Angeles Times, Sept. 19, 1970]

THE MEXICAN-AMERICAN—THE PUBLIC SPEAKS OUT

(By Rodolfo Medina [1])

Mexican-Americans have burst upon the national scene with dramatic force in the past few years. Like the Negroes, the Mexican-American people have been considered a source of docile menial labor, and like the Negro, the Mexican-Americans had been thought incapable of militant social action.

Whatever the balance of society's judgment, the fact is that today Mexican-Americans are no longer sitting in the anterooms waiting to be judged. Their struggle for full membership in American society has begun.

Why: The unmistakable influences of poverty and social deprivation; while the spokesmen for the minority group are young and middle class, few have forgotten the urban and rural slums where they were born; a growing concern for equality and opportunity for all citizens; Mexican-Americans have drawn from the dramatic struggle of the Negro people (but have added artistry on their own); a growing sense of organization and emerging pragmatic priorities about what to do about it.

The social hurts are deep and they have often even been rubbed with the salt of official neglect. These hurts made up the agenda for social action.

Education: School systems have failed the Mexican-American people.

Housing: Residential segregation.

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[1] Medina is principal of Audubon School in Altadena and is a national consultant on Mexican-American studies for the Department of Health, Education and Welfare.

Health: Life destroying diseases are conspicuous among these people. (Tuberculosis for example is still a killer of these people.)

Employment: Mexican-Americans are, in large part, an unskilled pool of industrial labor with few skills, little formal education and limited ability to speak English.

Politics: It is extremely difficult for Spanish surnamed individuals to run for public office and win.

Voting: Mexican-Americans are still not fully enfranchised.

Old Age: Problem is severe. Housing and medical care for Mexican-American senior citizens is not always obtainable, and when care is available many are not aware of its existence. Others born in Mexico do not qualify.

Youth: Mexican-American youths suffer from the impersonal nature of the metropolitan environment; social rebellion is always high when the fulfillment of youthful dreams is low (median age of Mexican-Americans is almost 28 years).

Civil Rights: When justice is withheld, Mexican-Americans rarely complain—because they don't know how.

Government: Enormous gap between the Mexican-American people and most agencies of government.

Farm Workers: La Causa (the Cause). The farm workers have never won collective bargaining right—partially because they have never been highly motivated to organize.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE,
OFFICE OF THE SECRETARY,
Washington, D.C., September 22, 1970.

Hon. WALTER F. MONDALE,
Chairman, Committee on Equal Educational Opportunity,
U.S. Senate, Washington, D.C.

DEAR SENATOR MONDALE: Your letter of August 28, 1970 to the Secretary of Health, Education and Welfare has been referred by him to this office for reply.

As requested, I am enclosing information on the number of Spanish surnamed professional employees in the Office of Civil Rights and the Office of Education and a list of black and Spanish surnamed staff at branch and division chief levels.

I hope this material will be of assistance. If any further information is needed, please do not hesitate to contact us.

Sincerely yours,

JAMES FARMER,
Assistant Secretary for Administration.

Enclosure.

Office of Civil Rights, DHEW

Grade:	*Number of professional staff*
9	2
10	--
11	4
12	9
13	17
14	13
15	5
16	1
Total	51

SPANISH-SURNAMED PROFESSIONALS

Office for Civil Rights, DHEW—1 GS–15.
Director, Contract Compliance Division, DHEW—1 GS–14.
Civil Rights Regional Office, Reg. I, Boston, Mass.—1 GS–11.
Civil Rights Regional Office, Reg. VII, Dallas, Texas—1 GS–13; 1 GS–12.
No Regional Directors or Branch chiefs in Regional Offices.
No attorneys in the Office for Civil Rights.

Office of education

Grade:	*Number of professional staff*
9	164
10	3
11	178
12	160
13	403
14	447
15	239
16	30
17	11
18	1
Total	1,636

SPANISH-SURNAMED PROFESSIONALS

Reg. III, Charlottesville, Va., Construction Services Programs— 1 GS–12.
Reg. VII, Dallas, Texas, EEO Programs—1 GS–12.
Reg. IX, San Francisco, Calif., EEO Programs—1 GS–14; AVLP Programs—1 GS–13.
OE Personnel Div., Classification Branch—1 GS–13.
Dep. Comm. for School Systems, Div. of Compensatory Education, Operations Branch, Migrant Programs Section—1 GS–15.
Division of School Assistance in Federal Affected Areas, Property and Program Control Branch, Property Certification Section—1 GS–9.
Bureau of Education for the Handicapped, Div. of Educational Services, Media Services and Captioned Films Branch—1 GS–15.
Bureau of Adult Vocational and Technical Education, Div. of Adult Education Programs, Adult Education Branch—1 GS–14.
Deputy Comm. for Higher Education and International Education, Div. of student Special Services, Talent Search and Special Services Branch—1 GS–12.
Deputy Comm. for Instructional Resources, Bureau of Educational Personnel Development, Teacher Corps, Programs Branch—1 GS–14.
Division of School Programs, Career Opportunities Branch—1 GS–14; Staff Development Branch—1 GS–11.

Black and Spanish-surnamed staff employed at branch and division chief levels

1. Paul F. Lawrence	GS–15
2. Carol J. Hobson	GS–15
3. Richard L. Fairley	GS–15
4. William J. Holloway	GS–15
5. Gilbert L. Delgado	GS–15
6. Morris L. Brown	GS–15
7. Orieanna C. Syphax	GS–15
8. Preston Valien	GS–16
9. Willa B. Player	GS–16
10. William H. Martin	GS–15
11. Wilton Anderson	GS–15

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